



## CITY COUNCIL STAFF REPORT

DATE: November 7, 2012

PUBLIC HEARING

SUBJECT: VIVANTE PALM SPRINGS, LLC FOR AN AMENDMENT OF CASE 5.1160 PLANNED DEVELOPMENT DISTRICT 341 (AMND B) AND TPM 35989 (AMND B) TO CONSTRUCT A MIXED-USE PROJECT CONSISTING OF AN ASSISTED LIVING FACILITY AND THREE COMMERCIAL BUILDINGS ON AN APPROXIMATELY 10-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY AND HERMOSA DRIVE.

FROM: David H. Ready, City Manager

BY: Department of Planning Services

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### SUMMARY

The City Council will review a proposed amendment to a previously approved Planned Development District (PDD) project and Tentative Parcel Map (TPM). The applicant seeks to develop the 10-acre site with the following:

1. An assisted living facility of approximately 145,000-square feet in size within a 2-story building on the northerly half of the site;
2. A total of 26,120 square feet of retail, restaurant and office space within three separate buildings on the southerly half of the site (same heights, sizes and architecture as current approvals);
3. Associated open space, landscaping, parking, off-street loading and trash enclosures.

The amendment applications include:

1. A preliminary PDD in lieu of a Change of Zone seeking:
  - a. The addition of Assisted Living Facilities as a permitted use to PD 341;
  - b. Approval of deviations in development standards for the zone and Section 14 Specific Plan;
  - c. Preliminary Development Plan approvals for the mixed-use project;
2. An amendment of TPM 35989 to split the roughly 10-acre parcel into three lots.

ITEM NO. 1A

PLANNED DEVELOPMENT DISTRICT

RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt Resolution No. \_\_\_\_\_ “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE 5.1160 PD 341 (AMND B); A MAJOR AMENDMENT TO PRELIMINARY PLANNED DEVELOPMENT DISTRICT 341 ESTABLISHING THE PDD AS A PDD IN LIEU OF A CHANGE OF ZONE FROM REO TO PD 341, AND APPROVING CASE 5.1160 PDD 341 (AMND B) AND AMENDED TENTATIVE PARCEL MAP 35989 FOR THE SUBDIVISION OF ROUGHLY 10-ACRES INTO THREE LOTS AND DEVELOPMENT OF AN ASSISTED LIVING FACILITY AND THREE COMMERCIAL BUILDINGS ON APPROXIMATELY 10 GROSS ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY AND HERMOSA DRIVE.”

PRIOR ACTIONS:

On August 13, 2008, the Planning Commission adopted a Mitigated Negative Declaration (MND) and voted to approve the Preliminary PDD and to recommend approval by the City Council of Case 5.1160 PDD 341 “Convention Center Commons” and Tentative Parcel Map 35989 subject to conditions of approval.

On September 17, 2008 the City Council adopted an MND and approved the preliminary Planned Development for Convention Center Commons.

On January 28, 2009, the Planning Commission voted 7-0 to approve the Final PDD for the Convention Center Commons.

On November 9, 2010, the Planning Commission approved a Time Extension on the original entitlement of the Final PDD for Convention Center Commons. The request for a one year time extension was granted from January 28, 2011 to January 27, 2012.

On December 14, 2011, the Planning Commission denied an amendment request to PD 341 for a 132-unit assisted living facility on approximately 4.62 acres of the original PD.

On February 8, 2012, the Planning Commission approved a Time Extension on the original entitlement of the Final PDD for Convention Center Commons. The request for a one year time extension was granted from January 28, 2012 to January 27, 2013.

On July 24, 2012, the applicant submitted the current PD amendment application.

On August 20, 2012, the Architectural Advisory Committee (AAC) reviewed the proposed amendment and voted 5-0 to recommend approval to the Planning Commission, subject to the following:

1. Consider incorporating dog park into assisted living facility amenities;

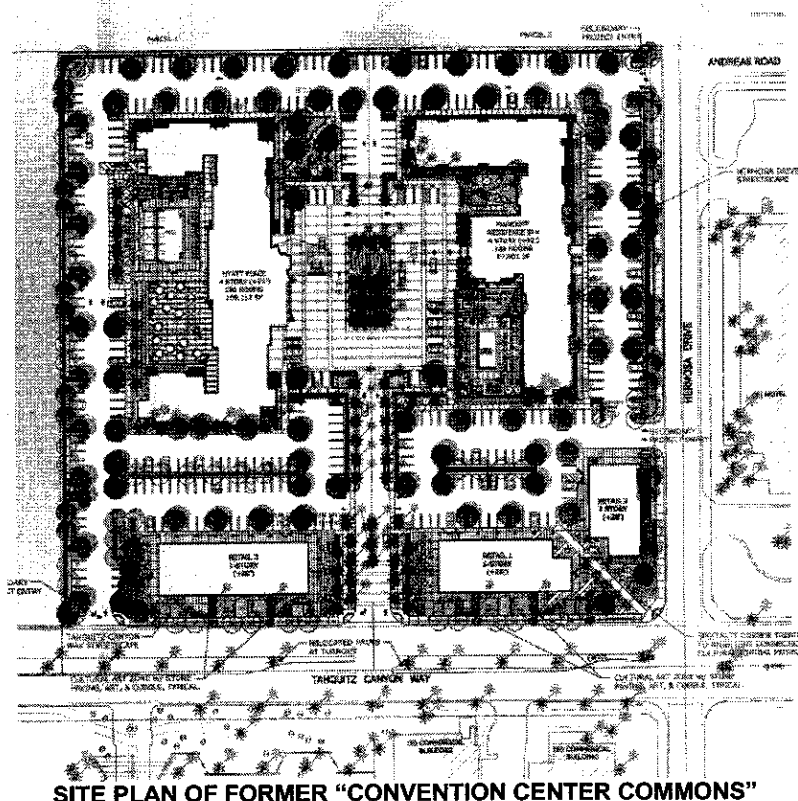
2. AAC to review final plans with additional details, dimensions, etc.;
3. East elevation to be enhanced;
4. Revise the parking layout to comply with City standards;
5. Provide additional parking lot shading;
6. Retail along Tahquitz Canyon Way to be more pedestrian-oriented;
7. Ensure landscaping is pet friendly;
8. Remove fence around unit courtyards from plans since no longer proposed;
9. Provide better pedestrian access between assisted living facility and commercial buildings.

Additional AAC review information is provided under the Staff Analysis section below.

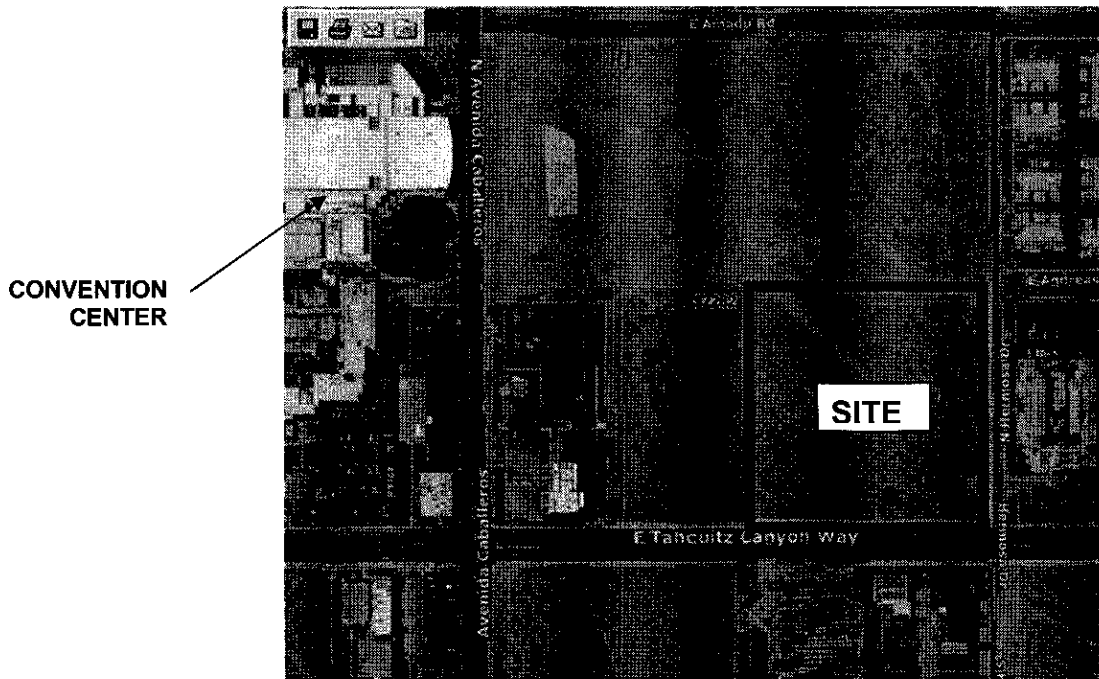
On September 26, 2012, the Planning Commission unanimously voted to re-adopt the MND; approve the Preliminary Planned Development District; and recommend that the City Council re-adopt the MND and approve the proposed amendment to the Preliminary Planned Development District and Tentative Parcel Map 35989.

### BACKGROUND AND SETTING

In 2008, "Convention Center Commons" was approved as a Planned Development District and Tentative Parcel Map; proposing development of two, four-story hotels totaling over 300 guest rooms and three, one- and two-story commercial buildings totaling approximately 26,120 square feet on four separate parcels totaling roughly 10 acres at the northwest corner of Tahquitz Canyon Drive and Hermosa Drive. The project proposed several buildings, surface parking, landscaping and a shared center driveway and porte-cocheres for the two hotels as shown on the conceptual site plan below.



According to the applicant, the project has not been developed due to current economic conditions. A subsequent amendment was submitted and included only the proposed assisted living facility on the westerly half of the 10-acre site, but this request was ultimately withdrawn after a denial by the Planning Commission. The site is still vacant.



**AERIAL PHOTO SHOWING SITE AND SURROUNDING LAND USES**

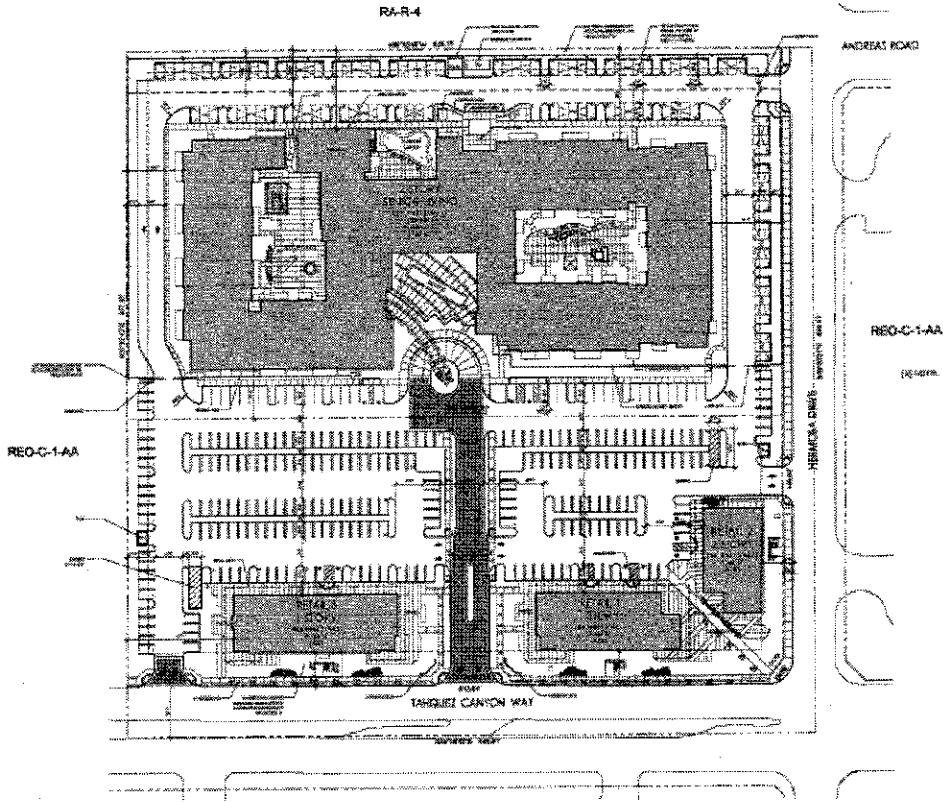
The site is located approximately two blocks east of the Convention Center and is within the boundaries of the Section 14 Specific Plan. Tahquitz Canyon Way is a major divided thoroughfare on the City’s General Plan Circulation Map and Hermosa Drive is a two-lane collector.

The table below denotes the existing surrounding land uses, zoning and General Plan Land Use Designations.

	<b>Existing Land Use</b>	<b>Zoning Map Designation</b>	<b>General Plan Designation</b>
Site	Vacant	REO (Retail/Entertainment/Office), Part of Catalyst Opportunity Site “A”	Tourist Resort Commercial
North	Vacant	RA (Resort Attraction), Part of Catalyst Opportunity Site “A”,	Tourist Resort Commercial
South	Tribal Cemetery / Office Uses	REO (Retail/Entertainment/Office) and C (Cemetery)	Tourist Resort Commercial
East	Courtyard by Marriot Hotel	RA (Resort Attraction)	Tourist Resort Commercial
West	Vacant	REO (Retail/Entertainment/Office)	Tourist Resort Commercial

STAFF ANALYSIS:

This proposal seeks to amend the current PD 341 approval by retaining the southerly half of the site with the three commercial buildings as approved, eliminating the two hotel projects on the northerly half of the site and constructing the proposed 132-unit assisted living facility in place of the two hotels. The proposed site plan is below.



The assisted living facility is proposed to be a roughly 145,000-square foot, two-story building on a roughly five acre (221,245 square feet) parcel. The project proposes 132 dwelling units with a mix of studio, one and two bedroom floor plans at a density of 26 dwelling units/acre. There are a total of 154 bedrooms.

The building, designed in a contemporary style with simple flat two-tone stucco volumes, balconies and horizontal shade elements and a flat roof, is arranged around several courtyards. The main entrance into the building is accessed from a circular vehicular drive located at the center side of the parcel, accessed from the proposed main parking area and paved, central driveway. The assisted living facility will be gated along the side and rear perimeters with an ornamental fence; this will restrict vehicular and pedestrian access around the facility. Most of the first floor residential units have small outdoor patios enclosed by low landscape fences and many of the units on the west side of the second floor have small balconies with tempered clear glass railings.

The assisted living facility provides a variety of common areas for residents including an indoor pool, dining facilities (served by a commercial kitchen facility), activity rooms, as well as various treatment rooms and an administrative office suite. Outdoor recreational

and gathering spaces include the courtyards where there is a bocce ball court, a putting green, a small dog park and other recreational and therapeutic amenities.

*General Plan:*

The General Plan land use designation for the site is Tourist Resort Commercial (0.35 FAR). From Page 2-6 of the 2007 General Plan, this land use designation is defined as follows:

*This land use designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail, and entertainment uses principally serving resort clientele. Commercial recreation and entertainment facilities, such as convention centers, museums, indoor and outdoor theatres, and water parks are included in this designation, but should be designed to be compatible with neighboring development. Tourist Resort Commercial facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. It is intended that the primary use in any Tourist Resort Commercial area shall be hotel/tourist-related uses; if residential uses are proposed within the Tourist Commercial Designation (timeshares, condominiums, etc.) they shall be a secondary use ancillary to the proposed hotel uses and shall not exceed a maximum of 30 dwelling units per acre. Permanent residential uses and commercial activities are allowed subject to approval of a planned development district.*

The proposed project includes a mix of commercial and residential uses under a planned development district application. The commercial component will be located along Tahquitz Canyon Way, and the residential component will be set back approximately 300 feet from Tahquitz Canyon Way. It should be noted, however, that the proposed residential use does not implement the General Plan in terms of supporting and strengthening the City's efforts to encourage large-scale private hotel development on the few remaining large lots in close (walkable) proximity to the convention center. Approval of an assisted living facility at this location removes five acres from possible future development for tourist-hotel-entertainment-convention center-related uses.

The General Plan limits commercial development to a 0.35 floor area ratio (FAR) and residential development to 30 dwelling units per acre. The following table summarizes the project's conformance to these requirements:

Proposed Parcel (TPM 35989)	FAR		Density	
	Maximum	Proposed	Maximum	Proposed
1 (Assisted Living)	N/A		30 d.u. / ac.	26 d.u. / ac.
2 (Comm. Bldg. 3)	0.35	0.11	N/A	
3 (Comm. Bldg. 1 & 2)	0.35	0.23	N/A	

The project conforms to the General Plan's FAR and Land Use Density requirements.

*Section 14 Specific Plan*

The Section 14 Specific Plan Land Use classification for the subject site is “REO” (Specialty Retail, Entertainment Office). Permitted uses in the REO land use classifications are outlined in Section 6.1.1, of the Section 14 Specific Plan. While multi-family residential is permitted with the approval of a Conditional Use Permit, Assisted Living Facilities are not listed as a permitted use in this land use classification. Thus, with the PDD amendment, the applicant is seeking approval to add assisted living facilities to the list of permitted uses within the PDD.

Commercial uses are permitted within the REO classification, including the proposed office, retail and restaurant uses. All future restaurant uses and outdoor dining will require the approval of a Land Use Permit pursuant to the Specific Plan requirements.

*Planned Development District in lieu of Change of Zone:*

Pursuant to Section 94.03.00 (Planned Development District) and Section 94.07.00 (Zoning Map Amendment / Change of Zone) of the Zoning Code, *the Planned Development District is designed to provide various types of land use that can be combined in compatible relationship with each other as part of a totally planned development. It further states, “It is the intent of this district to insure compliance with the general plan and good zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications.”*

The applicant is requesting approval to amend the PDD to a PDD in lieu of a Change of Zone. Required findings are outlined later in this staff report. The PDD is also seeking to deviate from the Specific Plan and Zoning Code development standards as follows:

1. Establish Assisted Living Facilities as a permitted use in the PDD.
2. Off-street parking screen wall from Tahquitz Canyon Way not provided.
3. Setback to accessory structures (carports) from street side yard (Hermosa Drive) and rear property line is ten feet; required setback is twenty feet for both cases.
4. Landscape treatment and sidewalk along Tahquitz Canyon Way not consistent with all Specific Plan requirements.

The table below compares the proposed project against the development standards of the Specific Plan and the Zoning Code.

Comparison of Required and Proposed Development Standards		
	REO Zone	Proposed PDD-341
Density (pursuant Section 14 Specific Plan Section 6.2.1)	Commercial: 0.38 FAR Residential: Min. of 1,500 s.f. of lot area for each residential unit	Commercial: 0.16 FAR (conforms) Residential: 132 dwelling units on 5.08 net acres = 1,674 sq. ft. per dwelling (conforms)
Height (per 6.2.3)	30 feet	22-30 feet (conforms)
Compatibility with surrounding development (6.2.6)	Rear and side walls of bldgs. shall be treated with equivalent design quality as the frontage	Articulation is provided to all sides of the buildings (conforms)
Primary Frontage (per 6.2.7)	Tahquitz shall be the primary frontage	Focal entry and access to the project is from Tahquitz Canyon Way (conforms)
Ground Floor Treatment (per 6.2.8)	75% of the first floor primary frontage shall be pedestrian entrances, display windows and other features that provide visual interest	Pedestrian access is provided near entry driveways and at the street corner. Display windows and landscape provide additional visual interest (conforms)
Pedestrian Access (per 6.2.9)	Direct access from the bldg. to Tahquitz	Pedestrian linkage to site and internally is provided throughout (conforms)
Building Location (per 6.2.10)	Locate bldgs. as close to the front setback as possible	The bldg. is setback 22 to 30 feet from the front property line (conforms)
Front yard setback (per 6.2.11)	20 feet	29 feet, 10 inches (conforms)
Features Required in the front setback (per 6.2.11.1) See also Section 5.2.1 for Tahquitz Canyon Way frontage features	<ul style="list-style-type: none"> <li>- Minimum 2 feet decorative paving as an extension of the public sidewalk; w/border on the property side</li> <li>- Adjacent to border on property side, boulders, desert landscaping or space for public art</li> <li>- Tribal cultural interpretative features</li> </ul>	Missing two feet of flagstone decorative paving adjacent entire sidewalk along Tahquitz Canyon Way. Missing distinctive benches and other street furniture. <b>(does not conform)</b>
Side and rear yard setbacks (per 6.2.12)	20 feet	Buildings are 20 to 71 feet from Hermosa property line; 76 feet from rear property line; and 55 feet from interior side property line (conforms) Carports are proposed approximately 10 feet from rear and street side yard property lines <b>(does not conform)</b>
Rear yard setbacks (per 6.2.13)	20 feet	62 feet (conforms)
Landscaped Open Space (per 6.2.14)	30%	44% (conforms)
Minimum Lot Area (per 6.2.15)	Two gross acres	Lot 1: 5.31 gross acres (conforms) Lot 2: 2.31 gross acres (conforms) Lot 3: 2.31 gross acres (conforms)
Signage (per 6.2.16)	Per PSZO	No signage proposed as part of this application (separate application is anticipated for monument and bldg. signs)
Exterior Lighting (per 6.2.17)	Indirect or shielded; comply with PSZO	Site Lighting will be conditioned to conform.



Comparison of Required and Proposed Development Standards (continued)		
	REO and RA zones	Proposed PDD-341
Off-street Parking (per 6.2.18)	No parking fronting Tahquitz Canyon Way; design to be consistent with PSZO. - Assisted Living Facilities: 1 space per 2 beds or 1/1,000 s.f. of bldg area; plus 1 space per 3 staff. - Commercial: 1 space per 325 s.f. of floor area (including restaurant uses up to 25% of floor area; additional restaurant space may require additional parking)	Parking is set back roughly 60 feet from Tahquitz. Parking along Hermosa to be screened by four foot high block wall; (conforms) Assisted Living: 161 spaces required. Commercial: 80 spaces (if restaurant space totaled 6,530 s.f. between all 3 bldgs.) Total Provided: 379 spaces. (conforms)
Service Areas (per 6.2.19)	Access to service shall not be provided from Tahquitz Canyon Way	Access can be taken from Hermosa (conforms)
Loading and Trash (per 6.2.20)	Consistent with PSZO	Trash enclosure and loading docks provided (conforms)

**Section 14 Streetscape Guidelines**

Section 5.2.1 of the Specific Plan has streetscape guidelines for Tahquitz Canyon Way that include street trees, landscaping, custom street light fixtures, and decorative sidewalk pavers with an “Indian Culture and Art Walk” that would be developed from Sunrise to Indian Canyon Drive. The proposed project design currently does not include all of these features. A condition of approval has been included requiring the project to integrate these features into the street-front design.

**Off-Street Parking**

Parking for the overall 10-acre complex is predominately proposed within the center of the southerly half. Covered parking via carports is proposed on the northerly and easterly sides of the assisted living facility (within the security fence area). A total of 379 parking stalls are proposed.

Based on an analysis of the Section 14 Specific Plan parking requirements, the project requires all 379 of the proposed parking spaces if restaurant space does not exceed 11,360 square feet for the project. Staff has conditioned the project to ensure that the PD conforms to these parking standards; however, should the applicant wish to allow additional restaurant space in the future, approval from the Planning Commission would be required pursuant to Section 93.06.00(D)(19) of the Zoning Code.

**Parking Lot Shading:** The project proposes to shade 120 parking spaces via carports on the northerly and easterly side of the assisted living facility. In addition, shade trees are proposed throughout the remainder of the parking areas and will provide shade for about 96 parking spaces. Thus, 216 parking spaces (approximately 57%) will be provided with shade, which conforms to the Zoning Code requirement of at least 50% shading.

### *Off-street Loading and Trash*

There are two designated loading spaces – one at the rear of the assisted living facility and one adjacent to Retail Building 3. Trash and recycling enclosures are proposed to be accommodated in three areas on the site.

### *Landscaping*

The landscape scheme proposes a variety of desert appropriate plant species. Street trees along Tahquitz Canyon Way are proposed as a series of Palo Verde shade trees and Mexican Fan palm trees<sup>1</sup>. Date Palms are proposed along the main north-south “entry drive” leading to the assisted living facility’s drop off area. Palo Verde, Tipu and Southern Live Oak (or Carob Tree, alternatively) species are proposed for shade in the parking lot areas. Some perimeter trees include Afghanistan Pines and Shoestring Acacias. The landscape plan will be conditioned to conform to the State’s Water Efficient Landscape Ordinance.

### *Public Benefit associated with Planned Development Districts*

The City Council adopted the policy, “Planned Development Districts and Public Benefits” on September 17, 2008. The Council should review the PDD with regard to the public benefit that would be derived from the granting of relief from the development standards requested therein.

One of the primary factors in the public benefits policy is “proportionality”, which is stated, as follows:

*The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.*

As noted above, the project is seeking relief from the following development standards of the Specific Plan and Zoning Code:

1. Establish Assisted Living Facilities as a permitted use in the PDD.
2. Off-street parking screen wall from Tahquitz Canyon Way not provided.
3. Setback to accessory structures (carports) from street side yard (Hermosa Drive) and rear property line is ten feet when required setback is twenty feet for both cases.
4. Landscape treatment and sidewalk along Tahquitz Canyon Way not consistent with all Specific Plan requirements.

In considering the proportionality of the requested relief from the development standards against the public benefit created by those deviations, staff believes that the requested deviations are not significant in terms of the magnitude of relief sought from the Specific Plan requirements and standards. As noted in the attached policy, among the approved set of options the Commission may consider are:

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<sup>1</sup> Pursuant the 2007 General Plan, for street trees, Mexican Fan Palms are to be phased out in favor of California Fan Palms.

- The project as Public Benefit
- Sustainability features
- Off-site Improvements (Any other public improvements off the project site.)
- Other

The applicant has proposed that the project itself will provide a significant public benefit, through the creation of additional sales tax and both temporary construction jobs and permanent jobs. Also, the project provides housing for a specific segment of the community that is growing as an overall percentage of the population. The facility will provide specialized services for residents confronted with Alzheimer's, Vascular Dementia, Parkinson's and other related diseases by the creation of forty (40) Memory Care designated units with around the clock nursing staff specially trained in these conditions.

#### *AAC Review*

The Architectural Advisory Committee (AAC) reviewed and endorsed the proposed the proposed amendment, subject to the following:

1. Consider incorporating dog park into assisted living facility amenities;
2. AAC to review final plans with additional details, dimensions, etc.;
3. East elevation to be enhanced;
4. Revise the parking layout to comply with City standards;
5. Provide additional parking lot shading;
6. Retail along Tahquitz Canyon Way to be more pedestrian-oriented;
7. Ensure landscaping is pet friendly;
8. Remove fence around unit courtyards from plans since no longer proposed;
9. Provide better pedestrian access between assisted living facility and commercial buildings.

In response to the above, the applicant has:

- Included a small dog park area in the parking area near the assisted living facility's main entry;
- Installed additional pop-outs and aluminum shading devices on the east elevation;
- Revised the parking layout to comply with City standards;
- Provided additional parking lot shading;
- Removed the fence around courtyards and provided access to the pedestrian and parking areas around the assisted living facility;

Detailed architectural drawings that will include site plans, elevations, floor plans, roof plans, grading plans, landscaping and irrigation plans will be presented to the AAC for review upon submittal of final development plans. The Final Development Plans for the project will be presented to the Planning Commission for review and approval at a later date.

*Planning Commission Review*

On September 26, 2012, the Planning Commission reviewed the proposed amendment and unanimously recommended approval to the City Council. At that meeting, the Commission discussed the following:

1. The need for quality assisted living housing in Palm Springs;
2. The concern of the assisted living facility use and the elimination of roughly five acres of raw land to a residential-type use within the Tourist Resort Commercial (TRC) General Plan Land Use Designation and the Resort Entertainment Office (REO) designation of the Section 14 Specific Plan, as well as the project's close proximity to the Convention Center;
3. The phasing of the project, including the initial construction of the assisted living facility and the latter construction of the commercial buildings;
4. The "sea" of parking between the assisted living facility and the commercial buildings;
5. Concern with the assisted living facility units at the southwesterly corner of the building and their proximity to parking spaces;
6. Internal pedestrian walkway widths and pedestrian access off-site.

As a result of the above discussions, the Planning Commission imposed the following condition:

PLN 18. Prior to submittal of the Final Development Plan, the applicant shall consider the following:

- a. Modify the large parking area to reduce its vast appearance through additional landscape and / or configurations of buildings;
- b. Submit a plan showing first phase of development without the commercial component;
- c. The commercial component of the project shall be in substantial conformance to the approved Preliminary Development Plans;
- d. Enlarge the landscape area between the parking stalls and assisted living facility at the southwesterly corner of building;
- e. Provide a pedestrian walkway and access gate at the northeasterly corner of property;
- f. Enlarge the pedestrian walkways internally.

*Tribal Review*

The subject project is located on fee land within Section 14 which is reservation land. The project has been forwarded to the Agua Caliente Band of Cahuilla Indians' Tribal Planning Office for review and comment. Staff will provide the City Council with the results of the Tribe's review at the meeting.

REQUIRED FINDINGS:

*Planned Development District Findings*

Findings for a Planned Development District in lieu of a Change of Zone are found in

Zoning Code Section 94.07.00 (Change of Zone). The proposed project is evaluated against the findings as follows:

- a. *The proposed planned development is consistent and in conformity with the general plan map and report.*

The project is located within the Tourist Resort Commercial land use designation of the General Plan. Commercial and entertainment uses are encouraged and will be a part of the PDD. Permanent residential uses such as an assisted living facility may be approved in this land use area with a PDD according to the General Plan. However, due to the close proximity to the City's convention center, the project does not implement the General Plan's encouragement of building large scale hotels in areas surrounding the convention center. With approval of the PDD amendment the project and the use could be found to be consistent.

- b. *The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

The mixed use project contains an assisted living facility and commercial buildings separated by parking areas. The roughly 10-acre site has a total of four access points from two streets.

The General Plan limits commercial development to a 0.35 floor area ratio (FAR) and residential development to 30 dwelling units per acre. The Section 14 Specific Plan limits commercial development to a 0.38 FAR and requires a minimum of 1,500 square feet of lot area per dwelling unit.

The following table summarizes the project's conformance to these requirements:

Proposed Parcel (TPM 35989)	FAR		Density	
	Maximum Gen. Plan and Spec. Plan	Proposed	Maximum Gen. Plan and Spec. Plan	Proposed
1 (Assisted Lvng.)	N/A		30 d.u. / ac. and 1,500 sq. ft. of lot area per unit	26 d.u. / ac. and 1,674 sq. ft. of lot area per unit
2 (Comm. Bldg. 3)	0.35 and 0.38	0.11	N/A	
3 (Comm. Bldg. 1 & 2)	0.35 and 0.38	0.23	N/A	

The subject site conforms to the density and FAR requirements of the General Plan and Section 14 Specific Plan.

- c. *The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The Planned Development District in lieu of a Change of Zone and the introduction of an assisted living facility may not be necessary and proper for the development of the area around the City's Convention Center. Introducing the relatively quiet environment of a residential assisted living facility into a district zoned for specialty retail, entertainment and convention center-based activity, may be detrimental and incompatible to future development and "by right" uses adjacent to this site. Approval of the PDD would allow a finding of consistency with this requirement. It is a "close call" to conclude that the proposed project and residential use is supportive or complementary to adjacent uses, including the Convention Center and tourist-related activities found in this part of the City.

*Findings for the Tentative Parcel Map*

Additional findings are required for the proposed Tentative Map pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

- a. *The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The subdivision is consistent with the Specific Plan as all three parcels exceed the minimum of two gross acres.

- b. *The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The design and improvements in adjacent right-of-ways will be adequate to serve the 10-acre site. Hermosa will be improved with additional roadway, curb, gutter and sidewalk. Tahquitz Canyon Way will be enhanced with a sidewalk and additional design elements consistent with Section 14 Specific Plan.

- c. *The site is physically suited for this type of development.*

The site is flat and surrounded by existing City streets and all municipal services and utilities and is physically suitable for this type of development.

- d. *The site is physically suited for the proposed density of development.*

The 10-acre site can accommodate residential uses and commercial uses. The overall density and FAR of the project is within the Section 14 Master Plan density limits for the REO land use designation for the project site. The site will be physically suited for the proposed density of residential and commercial for each parcel.

- e. *The design of the subdivision is not likely to cause environmental*

*damage or substantially and avoidably injure fish, wildlife, or their habitats.*

The Tentative Parcel Map has been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which reduce potential impacts to less than significant levels.

- f. The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

With the approval of the PDD amendment, the subdivision meets or exceeds City standards. All structures on the site will be required to meet or exceed City building codes. The project will not cause public health problems.

- g. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

There are no known public easements or access across the subject property, therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements should be able to be accommodated within the project design.

#### *Findings for the Resort Combining Zone*

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

*“...the planning commission (shall) make findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.”*

The project is located in an area of the City designated for tourist-related uses such as large scale hotels, retail, commercial and entertainment uses. The proposed site is in close proximity to the City’s Convention Center and fronts Tahquitz Canyon Way, which is the primary route connecting tourists from the Palm Springs International Airport with the Downtown and Central Business District. The commercial serving buildings will be located along this major thoroughfare with the residential component setback.

Currently much of the surrounding land is vacant. The project design could be deemed to be compatible with its surroundings since there is no unifying theme or architectural style to the existing buildings near the site.

#### CONCLUSION:

Staff notes that the proposed project is a “close call” as the proposed assisted living facility use may not be proper for the development area around the City’s Convention Center. It would eliminate approximately five acres of developable raw land for tourist-

related activities envisioned in this area of the City. However, the Planning Commission did unanimously approve the project and recommend approval by City Council.

ENVIRONMENTAL DETERMINATION:

The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and determined that the project had the potential for significant impacts, but that the impacts would not be significant in this case because project modifications or mitigation measures incorporated into the Initial Study reduce impacts to less than significant levels. A Mitigated Negative Declaration was prepared and distributed to the City Council for the original project. The preparation of further environmental assessment is not necessary since the proposed amendment proposes a lower intensity project. The project as amended could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration.

The proposed project has been conditioned to require that it participate in a public safety CFD or other funding mechanism, should such a program be implemented by the City. The addition of this condition of approval is equivalent to a mitigation measure, and assures that the proposed project will mitigate, on a "fair share" basis, its impact on the City's Fire Department. The inclusion of this condition of approval does not significantly change the analysis in the Initial Study for this project, and does not as a result, require the recirculation of the Initial Study.

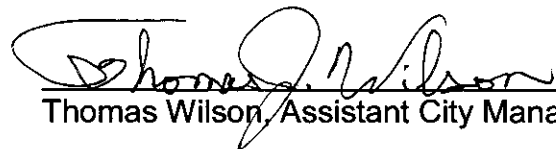
The applicant has also submitted a revised traffic study dated August 17, 2012 which identifies that traffic impacts for the amended PDD are less than those of the previous project scope and thus does not require recirculation of the initial study. This study revised the mitigation measures on traffic impacts.

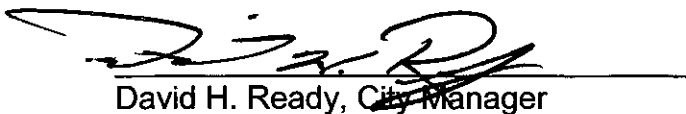
NOTIFICATION:

A notice was mailed to all listed property owners within a four hundred foot radius in accordance with state law. As of the writing of this staff report, staff has not received any correspondence from the public.

FISCAL IMPACT: No fiscal impact.

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

  
\_\_\_\_\_  
Thomas Wilson, Assistant City Manager

  
\_\_\_\_\_  
David H. Ready, City Manager

PLANNED DEVELOPMENT DISTRICT

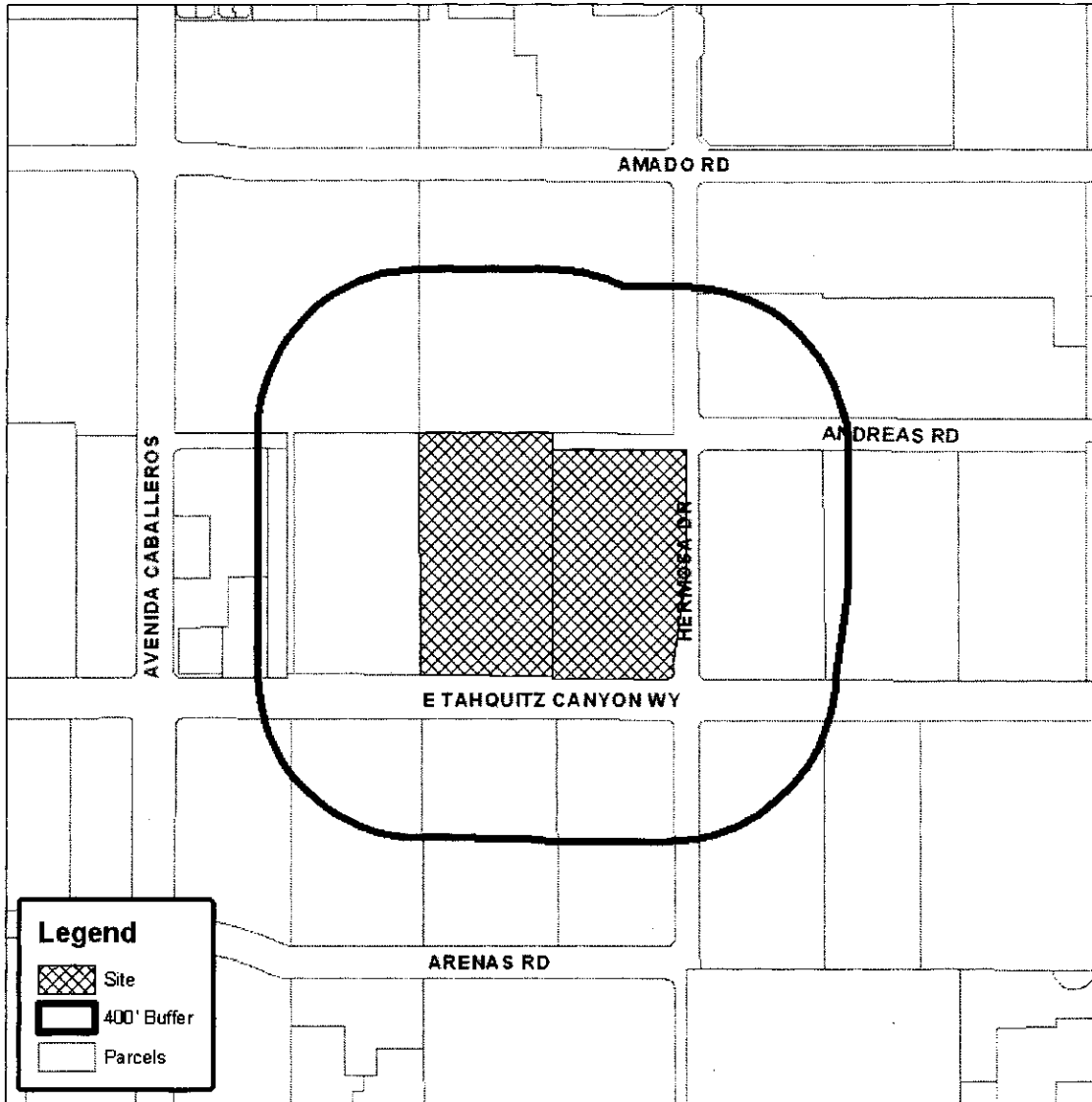
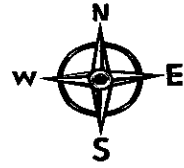


**Attachments:**

- 400' Radius Vicinity Map
- Draft Resolution and Conditions of Approval
- Draft Ordinance for City Council for PDD in lieu of Change of Zone
- Planning Commission Staff Report (without attachments)
- Site Plan, elevations, landscape plan, perspective images



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

**CASE NO:** 5.1160 PDD 341  
AMND B / TPM  
35989 AMND B

**APPLICANT:** Nexus Development  
(O & M Tahquitz, LLC)

**DESCRIPTION:** An amendment to a previously approved PDD and TPM application adding assisted living facilities to the permitted uses within the PDD, changing the Parcel Map from a 4 lot map to a 3 lot map, and seeking relief from certain development standards for a 9.9 acre project located at the northwest corner of Tahquitz Canyon Way and Hermosa Drive in Section 14 (IL), Zone RA.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE 5.1160 PD 341 (AMND B); A MAJOR AMENDMENT TO PRELIMINARY PLANNED DEVELOPMENT DISTRICT 341 ESTABLISHING THE PDD AS A PDD IN LIEU OF A CHANGE OF ZONE FROM REO TO PD 341, AND APPROVING CASE 5.1160 PDD 341 (AMND B) AND AMENDED TENTATIVE PARCEL MAP 35989 FOR THE SUBDIVISION OF ROUGHLY 10-ACRES INTO THREE LOTS AND DEVELOPMENT OF AN ASSISTED LIVING FACILITY AND THREE COMMERCIAL BUILDINGS ON APPROXIMATELY 10 GROSS ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY AND HERMOSA DRIVE.

WHEREAS, Vivante Palm Springs, LLC. (the "Applicant") has filed an application with the City pursuant to Section 94.03.00 (Planned Development District) and 94.07.00 (Map Change / Change of Zone) of the Palm Springs Zoning Code, for a major amendment to Planned Development District No. 341, for a project to be known as "Vivante", a 132-unit assisted living facility within a two-story, 145,000 square foot building and three commercial buildings within one- and two-story buildings totaling approximately 26,120 square feet on roughly 8.76 net acres at the northwest corner of Tahquitz Canyon Way and Hermosa Drive; and

WHEREAS, the Applicant has filed an application with the City pursuant to Section 9.62.010 of the Palm Springs Municipal Code, for an amendment to Tentative Parcel Map No. 35989; and

WHEREAS, notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1160 PD341 AMND B, TPM AMND 35989, was given in accordance with applicable law; and

WHEREAS, on September 26, 2012, a public hearing on the applications was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA"), and an Environmental Assessment has been prepared for this project and has been distributed for public review and comment in accordance with CEQA; and

WHEREAS, at said hearing, the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented and voted 7-0 to approve the preliminary Planned Development District in lieu of a Change of Zone, subject to Conditions of Approval in Exhibit A, and recommending

approval of an Ordinance of the City Council approving a Planned Development District in lieu of a Change of Zone for the subject project; and

WHEREAS, notice of a public hearing of the City Council of the City of Palm Springs to consider Case 5.1160 PD341 AMND B, TPM AMND 35989, was given in accordance with applicable law; and

WHEREAS, on November 7, 2012, a public hearing on the applications was held by the City Council in accordance with applicable law; and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the meetings on the project, including but not limited to the staff report, and all written and oral testimony presented.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the City has prepared an environmental study and concluded that significant adverse impacts may occur as a result of the project. A Mitigated Negative Declaration for this project was previously adopted by the City Council on September 17, 2008. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the preparation of further environmental assessment is not necessary since the proposed amendment proposes a lower intensity project. The project as amended could not, therefore, result in any new environmental impacts beyond those already identified and assessed in the adopted mitigated negative declaration.

Section 2. *Planned Development District Findings.* Findings for a Planned Development District in lieu of a Change of Zone are found in Zoning Code Section 93.07.00 (Change of Zone). The proposed project is evaluated against the findings as follows:

*a. The proposed planned development is consistent and in conformity with the general plan and report.*

The project is located within the Tourist Resort Commercial land use designation of the General Plan. Commercial and entertainment uses are encouraged and will be a part of the PDD. Permanent residential uses such as an assisted living facility may be approved in this land use area with a PDD under the General Plan.

*b. The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

The mixed use project contains an assisted living facility and commercial buildings separated by parking areas. The roughly 10-acre site has a total of four access points from two streets.

The General Plan limits commercial development to a 0.35 floor area ratio (FAR) and residential development to 30 dwelling units per acre. The Section 14 Specific Plan limits commercial development to a 0.38 FAR and requires a minimum of 1,500 square feet of lot area per dwelling unit.

The following table summarizes the project's conformance to these requirements:

Proposed Parcel (TPM 35989)	FAR		Density	
	Maximum Gen. Plan and Spec. Plan	Proposed	Maximum Gen. Plan and Spec. Plan	Proposed
1 (Assisted Lvng.)	N/A		30 d.u. / ac. and 1,500 sq. ft. of lot area per unit	26 d.u. / ac. and 1,674 sq. ft. of lot area per unit
2 (Comm. Bldg. 3)	0.35 and 0.38	0.11	N/A	
3 (Comm. Bldg. 1 & 2)	0.35 and 0.38	0.23	N/A	

The subject site conforms to the density and FAR requirements of the General Plan and Section 14 Specific Plan.

*c. The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The Planned Development District in lieu of a Change of Zone and the mixed use project containing commercial uses and an assisted living facility is necessary and proper for the development along Tahquitz Canyon Way. The PDD proposes uses that are supportive and complementary to adjacent uses, including the commercial uses along Tahquitz Canyon Way and tourist-related activities found in this part of the City.

Section 3. Findings for the Tentative Parcel Map. The findings required for the proposed Tentative Map are pursuant to Section 66474 of the California Subdivision Map Act. The project is evaluated against these findings as follows:

*a. The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The subdivision is consistent with the Specific Plan as all three parcels exceed the minimum of two gross acres.

*b. The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*

The design and improvements in adjacent right-of-ways will be adequate to serve the 10-acre site. Hermosa will be improved with additional roadway, curb, gutter and sidewalk. Tahquitz Canyon Way will be enhanced with a sidewalk and additional design elements consistent with Section 14 Specific Plan.

- c. *The site is physically suited for this type of development.*

The site is flat and surrounded by existing City streets and all municipal services and utilities and is physically suitable for this type of development.

- d. *The site is physically suited for the proposed density of development.*

The 10-acre site can accommodate residential uses and commercial uses. The overall density and FAR of the project is within the Section 14 Master Plan density limits for the REO land use designation for the project site. The site will be physically suited for the proposed density of residential and commercial for each parcel.

- e. *The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.*

The Tentative Parcel Map has been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which reduce potential impacts to less than significant levels.

- f. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

With the approval of the PDD amendment, the subdivision meets or exceeds City standards. All structures on the site will be required to meet or exceed City building codes. The project will not cause public health problems.

- g. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

There are no known public easements or access across the subject property, therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements should be able to be accommodated within the project design.

Section 4. *Findings for the Resort Combining Overlay Zone.* The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

*"...the planning commission (shall) make findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone."*

The project is located in an area of the City designated for tourist-related uses such as large scale hotels, retail, commercial and entertainment uses. The proposed site is in

close proximity to the City's Convention Center and fronts Tahquitz Canyon Way, which is the primary route connecting tourist from the Palm Springs International Airport with the Downtown and Central Business District. The commercial serving buildings will be located along this major thoroughfare with the residential component setback. Currently much of the surrounding land is vacant. The project design is compatible with its surroundings since there is no unifying theme or architectural style to the existing buildings near the site. There is no other known by right use that would be considered more appropriate than that proposed.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the City Council re-adopts a Mitigated Negative Declaration and approves preliminary development plans for Case 5.1160 PDD 341 AMND B, a major amendment to Planned Development District 341 establishing the PDD in lieu of a Change of Zone; changing the zone / land use classification from REO to PD 341; approving the Preliminary Development Plans; and, approving deviations in the development standards of the zone / land use classification as follows:

1. Establish Assisted Living Facilities as a permitted use in the PDD.
2. Off-street parking screen wall from Tahquitz Canyon Way not provided.
3. Setback to accessory structures (carports) from street side yard (Hermosa Drive) and rear property line is ten feet when required setback is twenty feet for both cases.
4. Landscape treatment and sidewalk along Tahquitz Canyon Way not consistent with all Specific Plan requirements.

As a part of PD341, the Council approves Case TPM 35989 to subdivide the roughly ten gross acre site into three parcels. This approval is subject to the conditions contained in Exhibit A, which is attached hereto and made a part of this resolution.

ADOPTED THIS 7TH DAY OF November, 2012.

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David H. Ready, City Manager

ATTEST:

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James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

James Thompson, City Clerk  
City of Palm Springs, California



## EXHIBIT A

AMND B to Case No. 5.1160 PDD 341 and TPM 35989  
"Vivante Palm Springs"  
A Major Amendment (AMND B) to a previously approved  
Planned Development District and Tentative Parcel Map  
Northwest Corner of Tahquitz Canyon Way at Hermosa Drive

November 7, 2012

### CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

### ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1160 PDD 341 AMND B / TPM 35989 AMND B; except as modified with the approved Mitigation Monitoring Program and the conditions below;
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans including site plans, architectural elevations, exterior materials and colors, landscaping, and grading on file in the Planning Division except as modified by the approved Mitigation Measures and conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Tentative Map. This approval is for Tentative Parcel Map 35989 AMND located at the northwest corner of Tahquitz Canyon Way and Hermosa Drive. This approval is subject to all applicable regulations of the Subdivision Map Act, the Palm Springs Municipal Code, and any other applicable City Codes, ordinances and resolutions.

- ADM 6. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1160 PDD 341 AMND B / TPM 35989 AMND B. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
- ADM 7. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, bikeways, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk or bikeway easement areas that extend onto private property, in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 8. Time Limit on Approval. Approval of the (Planned Development District (PDD) Tentative Parcel Map (TPM) shall be valid for a period of two (2) years from the effective date of the approval. Extensions of time may be granted by the Planning Commission upon demonstration of good cause.
- Extensions of time for the Parcel Map may be approved pursuant to Code Section 9.63.110. Such extension shall be required in writing and received prior to the expiration of the original approval
- ADM 9. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 10. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee

shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.

- ADM 11. Park Development Fees. The developer shall dedicate land or pay a fee in lieu of a dedication, at the option of the City. The in-lieu fee shall be computed pursuant to Ordinance No. 1632, Section IV, by multiplying the area of park to be dedicated by the fair market value of the land being developed plus the cost to acquire and improve the property plus the fair share contribution, less any credit given by the City, as may be reasonably determined by the City based upon the formula contained in Ordinance No. 1632. In accordance with the Ordinance, the following areas or features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, development edges, slopes in hillside areas (unless the area includes a public trail) landscaped development entries, meandering streams, land held as open space for wildlife habitat, flood retention facilities and circulation improvements such as bicycle, hiking and equestrian trails (unless such systems are directly linked to the City's community-wide system and shown on the City's master plan).
- ADM 12. Community Services District. The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq., or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- ADM 13. Tribal Fees Required. As the property is Indian reservation land, fees as required by the Agua Caliente Band of Cahuilla Indians Tribal Council, including any applicable habitat conservation plan fees shall be paid.

## ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. California Fish & Game Fees Required. The project is required to pay a fish and game impact fee as defined in Section 711.4 of the California Fish and Game Code. This CFG impact fee plus an administrative fee for filing the action with the County Recorder shall be submitted by the applicant to the City in the form of a money order or a cashier's check payable to the Riverside County Clerk prior to the final City action on the project (either Planning Commission or City Council determination). This fee shall be submitted by the City to the County Clerk with the Notice of Determination. Action on this application shall not be final until such fee is paid. The project may be eligible for exemption or refund of this fee by the California Department of Fish & Game. Applicants may apply for a refund by the CFG at [www.dfg.ca.gov](http://www.dfg.ca.gov) for more information.
- ENV 2. Mitigation Monitoring. The mitigation measures of the environmental assessment shall apply. The applicant shall submit a signed agreement that the mitigation measures outlined as part of the negative declaration or EIR will be included in the plans prior to Planning Commission consideration of the environmental assessment. Mitigation measures are defined in the approved project description.
- ENV 3. Cultural Resource Survey Required. Prior to any ground disturbing activity, including clearing and grubbing, installation of utilities, and/or any construction related excavation, an Archaeologist qualified according to the Secretary of the Interior's Standards and Guidelines, shall be employed to survey the area for the presence of cultural resources identifiable on the ground surface.
- ENV 4. Cultural Resource Site Monitoring. There is a possibility of buried cultural or Native American tribal resources on the site. A Native American Monitor shall be present during all ground-disturbing activities.
- a). A Native American Monitor(s) shall be present during all ground disturbing activities including clearing and grubbing, excavation, burial of utilities, planting of rooted plants, etc. Contact the Agua Caliente Band of Cahuilla Indian Cultural Office for additional information on the use and availability of Cultural Resource Monitors. Should buried cultural deposits be encountered, the Monitor shall contact the Director of Planning. After consultation the Director shall have the authority to halt destructive construction and shall notify a Qualified Archaeologist to further investigate the site. If necessary, the Qualified Archaeologist shall prepare a treatment plan for submission to the State Historic Preservation Officer and Agua Caliente Cultural Resource Coordinator for approval.
  - b). Two copies of any cultural resource documentation generated in connection with this project, including reports of investigations, record search results and site records/updates shall be forwarded to the Tribal

Planning, Building, and Engineering Department and one copy to the City Planning Department prior to final inspection.

## **PLANNING DEPARTMENT CONDITIONS**

- PLN 1. Outdoor Lighting Conformance. Exterior lighting plans, including a photometric site plan showing the project's conformance with Section 93.21.00 Outdoor Lighting Standards of the Palm Springs Zoning ordinance, shall be submitted for approval by the Department of Planning Services prior to issuance of a building permit. Manufacturer's cut sheets of all exterior lighting on the building and in the landscaping shall be included. If lights are proposed to be mounted on buildings, down-lights shall be utilized. No lighting of hillsides is permitted.
- PLN 2. Water Efficient Landscaping Conformance. The project is subject to the Water Efficient Landscape Ordinance (Chapter 8.60.00) of the Palm Springs Municipal Code and all other water efficient landscape ordinances. The applicant shall submit a landscape and irrigation plan to the Director of Planning for review and approval prior to the issuance of a building permit. Landscape plans shall be wet stamped and approved by the Riverside County Agricultural Commissioner's Office prior to submittal. Prior to submittal to the City, landscape plans shall also be certified by the local water agency that they are in conformance with the water agency's and the State's Water Efficient Landscape Ordinances.
- PLN 3. Submittal of Final PDD. The Final Planned Development plans shall be submitted in accordance with Section 94.03.00 (Planned Development District) of the Zoning Ordinance. Final development plans shall include site plans, building elevations, floor plans, roof plans, grading plans, landscape plans, irrigation plans, exterior lighting plans, sign program, mitigation monitoring program, site cross sections, property development standards and other such documents as required by the Planning Commission and Planning Department. Final Planned Development District applications must be submitted within two (2) years of the City Council approval of the preliminary planned development district.
- PLN 4. Conditions Imposed from AAC Review. The applicant shall incorporate the following comments from the review of the project by the City's Architectural Advisory Committee:
1. Consider incorporating dog park into assisted living facility amenities;
  2. AAC to review final plans with additional details, dimensions, etc.;
  3. East elevation to be enhanced;
  4. Revise the parking layout to comply with City standards;
  5. Provide additional parking lot shading;
  6. Retail along Tahquitz Canyon Way to be more pedestrian-oriented;
  7. Ensure landscaping is pet friendly;

8. Remove fence around unit courtyards from plans since no longer proposed;
9. Provide better pedestrian access between assisted living facility and commercial buildings.

- PLN 5. Palm Tree Requirement. In accordance with Planning Commission Resolution No. 1503, dated November 18, 1970, the developer is required to plant Washingtonia Fillifera (California Fan) palm trees (14 feet from ground to fronds in height) 60 feet apart along the entire frontage of Palm Canyon Drive and/or Tahquitz Canyon Way median.
- PLN 6. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 7. Flat Roof Requirements. Roof materials on flat roofs must conform to California Title 24 thermal standards for "Cool Roofs". Such roofs must have a minimum initial thermal emittance of 0.75 and minimum initial solar reflectance of 0.70. Only matte (non-specular) roofing is allowed in colors such as beige or tan.
- PLN 8. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.
- PLN 9. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance. Equipment and duct screening shall be no less than six (6) inches greater in height than the equipment and ducting.
- PLN 10. Surface Mounted Downspouts Prohibited. No exterior downspouts shall be permitted on any facade on the proposed building(s) that are visible from adjacent streets or residential and commercial areas.
- PLN 11. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 12. Outside Storage Prohibited. No outside storage of any kind shall be permitted including on patios and balconies or other parts of the site, except as approved as a part of the proposed plan.
- PLN 13. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 14. Bicycle Parking. The project shall be required to provide secure bicycle parking facilities on site for use by residents and commercial/retail patrons and owners.

PLN 15. Street Addresses. The street address numbering/lettering shall not exceed eight inches in height.

PLN 16. Covenants, Conditions & Restrictions.

- a. The applicant prior to issuance of building permits shall submit three (3) sets of a draft declaration of covenants, conditions and restrictions ("CC&R's") to the Director of Planning Services for approval in a form to be approved by the City Attorney, to be recorded prior to certificate of occupancy. The CC&Rs shall be submitted with a list of the adopted conditions of approval and an indication of where applicable conditions are addressed in the CC&Rs. The CC&R's shall be enforceable by the City, shall not be amended without City approval, and shall require maintenance of all property in a good condition and in accordance with all ordinances.
- b. The applicant shall submit to the City of Palm Springs, a deposit in the amount of \$3500, for the review of the CC&R's by the City Attorney. A filing fee, in accordance with the fee schedule adopted by the City Council, shall also be paid to the City Planning Services Department for administrative review purposes.

PLN 17. Culture Walk along Tahquitz Canyon Way. Pursuant to the Chapter 5 of the Section 14 Specific Plan, the sidewalk and landscape area along Tahquitz Canyon Way shall incorporate features of the "Culture Walk" described on Page 5-4 and shown in Figure 5-3 on Page 5-8 of the Specific Plan. These areas shall be shown on the final landscape plan approved by the Director of Planning Services and Agua Caliente Band of Cahuilla Indians.

PLN 18. Off-street Parking. Restaurant space in the commercial buildings shall not exceed a total of 11,360 square feet, unless the Planning Commission finds that the nature of the use will not require increased parking, that other adequate arrangements exist to satisfy the parking demand or that other similar factors exist.

PLN 19. Prior to submittal of the Final Development Plan, the applicant shall consider the following:

- a. Modify the large parking area to reduce its vast appearance through additional landscape and / or configurations of buildings;
- b. Submit a plan showing first phase of development without the commercial component;
- c. The commercial component of the project shall be in substantial conformance to the approved Preliminary Development Plans;
- d. Enlarge the landscape area between the parking stalls and assisted living facility at the southwesterly corner of building;
- e. Provide a pedestrian walkway and access gate at the northeasterly corner of property;
- f. Enlarge the pedestrian walkways internally.

### **POLICE DEPARTMENT CONDITIONS**

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.

### **BUILDING DEPARTMENT CONDITIONS**

- BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

### **ENGINEERING DEPARTMENT CONDITIONS**

The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

#### **STREETS**

- ENG 1. Any improvements within the public right-of-way require a City of Palm Springs Encroachment Permit.
- ENG 2. Submit street improvement plans prepared by a registered California civil engineer to the Engineering Division. The plans shall be approved by the City Engineer prior to issuance of any building permits.
- ENG 3. Master planned roadways (Tahquitz Canyon Way and Hermosa Drive) shall be improved to the *Final Section 14 Master Development Plan/Specific Plan* design standards on and adjacent to the site, as generally identified herein, or to alternative design standards proposed by the applicant and approved by the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.

#### **TAHQUITZ CANYON WAY**

- ENG 4. Dedicate easements, as necessary, for sidewalk improvements along the entire frontage.
- ENG 5. Remove the existing street improvements as necessary to construct a 37 feet wide driveway approach for the Main Entry, in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 330 feet east of the west property line of the site. This driveway shall be restricted to right-turn and left-turn ingress and



right-turn egress only. A median opening for this driveway approach on Tahquitz Canyon Way shall be constructed allowing eastbound left-turn ingress only, into the project.

- ENG 6. Remove the existing street improvements as necessary to construct a 37 feet wide driveway approach in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approach shall be located approximately 40 feet east of the west property line. This driveway shall be restricted to right-turn ingress and egress only. Left turn access and a median opening for this driveway approach shall be prohibited.
- ENG 7. Construct a Type A curb ramp meeting current California State Accessibility standards at each side of the two driveway approaches on Tahquitz Canyon Way in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across each of the driveways, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.
- ENG 8. Remove the existing street improvements as necessary to provide a mid-block eastbound left-turn bay on Tahquitz Canyon Way at Hermosa Drive, to provide 125 feet long turn pocket with a 75' feet long bay taper, or as approved by the City Engineer. The left-turn pocket shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, as approved by the City Engineer.
- ENG 9. Remove the existing street improvements as necessary to construct a directional median opening across from the Main Entry on Tahquitz Canyon Way, as approved by the City Engineer. Left turn egress from the Main Entry shall be physically restricted by the use of a directional median opening. Provide a 125 feet long eastbound left-turn pocket at the Main Entry, with a 75 feet long bay taper, or as approved by the City Engineer. The left-turn pocket shall be designed in accordance with Section 405 of the current edition of the Caltrans Highway Design Manual, as approved by the City Engineer.
- ENG 10. The existing median landscaping and irrigation system shall be modified and repaired, as required by the City Engineer. The applicant shall be responsible for the re-planting of any damaged landscaping.
- ENG 11. All replaced median landscaping shall be guaranteed for a period of one year from the date of acceptance by the City Engineer. Any landscaping that fails during the one-year landscape maintenance period shall be replaced with similar plant material to the satisfaction of the City Engineer, and shall be subject to a subsequent one-year landscape maintenance period.

- ENG 12. The existing sidewalk along the entire frontage shall be modified consistent with the "Indian Culture and Art Walk" described in the *Final Section 14 Master Development Plan/Specific Plan* (dated November 2004). Other improvements, including large boulders with inscriptions describing Indian and Section 14 history shall be provided, in consultation with Tribal staff and as approved by the Director of Planning Services and Director of Public Works. The applicant shall furnish and install artwork relating to Indian culture along the frontage, unless otherwise deferred by the Director of Planning Services. The "Indian Culture and Art Walk" shall be constructed along the entire Tahquitz Canyon Way frontage. The specific street improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 13. In accordance with the *Final Section 14 Master Development Plan/Specific Plan* (dated November 2004), the applicant shall plant *Washingtonia filifera* palm trees along the Tahquitz Canyon Way frontage, at 60 feet spacing, two canopy shade trees between each new palm tree at 30 feet spacing, and a 3 feet high evergreen hedge at the curb, as approved by the City Engineer. The palm trees shall be uplighted, consistent with existing palm tree lighting along the Tahquitz Canyon Way corridor. The applicant shall be responsible for the perpetual maintenance of the new palm trees and other parkway landscaping along the Tahquitz Canyon Way frontage. The specific landscaping improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 14. Install Tahquitz Canyon Way decorative light fixtures (12 feet to 15 feet tall) consistent with the existing decorative lighting system along Tahquitz Canyon Way, including banner supports and overhead pedestrian-level lighting on the sidewalk. The applicant shall furnish and install the decorative light fixtures, luminaries. The electrical system was installed by others and shall be operated by a separate electric meter, unless an existing meter is available for use by the new lighting system, as approved by the City Engineer. The lighting system shall be installed and operational, and accepted for operation and maintenance by the City, prior to issuance of a Certificate of Occupancy, unless otherwise allowed by the City Engineer.
- ENG 15. At the time that a comprehensive shuttle/bus route system for the Section 14 Master Development Plan area is planned, it is recommended that the applicant coordinate with the City on the design and layout of, and accommodate an on-site shuttle/bus stop at the Main Entrance turn-around off of Tahquitz Canyon Way in accordance with the *Final Section 14 Master Development Plan/Specific Plan*, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.
- ENG 16. The existing Sunline bus stop and furniture shall remain in its current location on Tahquitz Canyon Way along the project frontage.

ENG 17. All broken or off grade street improvements shall be repaired or replaced.

#### HERMOSA DRIVE

ENG 18. Dedicate a half street right-of-way of 30 feet along the entire frontage as needed, together with a property line - corner cut back at the northwest corner of Hermosa Drive and Tahquitz Canyon Way in accordance with City of Palm Springs Standard Drawing No. 105.

ENG 19. Construct 6 inch curb and gutter, 20 feet west of centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 200.

ENG 20. Construct two 26 feet wide driveway approaches in accordance with City of Palm Springs Standard Drawing No. 205. The centerline of the driveway approaches shall be located approximately 240 feet north of the centerline of Tahquitz Canyon Way, and approximately 40 feet south of the north property line of the site, respectively.

ENG 21. Construct a Type A curb ramp meeting current California State Accessibility standards at each side of the two driveway approaches on Hermosa Drive in accordance with City of Palm Springs Standard Drawing No. 212. The applicant shall ensure that an appropriate path of travel, meeting ADA guidelines, is provided across each of the driveways, and shall adjust the location of the access ramps, if necessary, to meet ADA guidelines, subject to the approval of the City Engineer. If necessary, additional pedestrian and sidewalk easements shall be provided on-site to construct a path of travel meeting ADA guidelines.

ENG 22. Construct an 8 feet wide sidewalk behind the curb along the entire frontage, in accordance with City of Palm Springs Standard Drawing No. 210.

ENG 23. In accordance with the *Final Section 14 Master Development Plan/Specific Plan* (dated November 2004), the applicant shall plant shade trees in a formal pattern along the Hermosa Drive frontage, as approved by the City Engineer. The applicant shall be responsible for the perpetual maintenance of the new trees and other parkway landscaping along the Hermosa Drive frontage. The specific landscaping improvements described in this condition may be modified by the applicant, in consultation with the City, provided that the intent of the Section 14 Specific Plan guideline is maintained.

ENG 24. Construct pavement with a minimum pavement section of 3 inches asphalt concrete pavement over 6 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal, from edge of proposed gutter to centerline along the entire frontage in accordance with City of Palm Springs Standard Drawing No. 110 and 315. If an alternative pavement section is proposed, the proposed pavement section shall be

designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

#### ANDREAS ROAD

ENG 25. A forty (40) feet wide half street right-of-way for Andreas Road from Hermosa Drive to the west property line of that parcel identified by Assessor's Parcel No. 508-070-028 shall be vacated to facilitate the development of this project. The vacation of right-of-way can be completed by separate instrument or on the Parcel Map.

#### ON-SITE

ENG 26. The minimum pavement section for all on-site drive aisles and parking spaces shall be 2½ inches asphalt concrete pavement over 4 inches crushed miscellaneous base with a minimum subgrade of 24 inches at 95% relative compaction, or equal. If an alternative pavement section is proposed, the proposed pavement section shall be designed by a California registered Geotechnical Engineer using "R" values from the project site and submitted to the City Engineer for approval.

ENG 27. The gated entry proposed at the northeast corner of the project site is subject to review and approval by the City Engineer and Fire Marshall. The applicant shall provide an exhibit showing truck turning movements at the entry, demonstrating the ability of standard size vehicles to maneuver through the entry (without reversing) if unable to enter the project. A minimum of 50 feet shall be provided between the back of sidewalk on Hermosa Drive and the gated entry/control panel, with an approved maneuvering area provided between the back of sidewalk and the entry gate. The ingress and egress lanes shall be a minimum of 20 feet wide, unless otherwise approved by the Fire Marshall. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed for the entry gate, meeting the approval of the Fire Marshall.

ENG 28. The two internal gates entries (i.e., entries that are not from a public street on the perimeter of the project site) into the Vivante assisted living facility are subject to the review and approval by the City Engineer and Fire Marshall. The ingress and egress lanes shall be a minimum of 20 feet wide, unless otherwise approved by the Fire Marshall. An Opticom or Tomar system (or approved equal) for automatic operation by emergency vehicles, with uninterrupted power supply (battery back-up), shall be installed for the entry gate, meeting the approval of the Fire Marshall.

ENG 29. The applicant shall provide a copy of an executed and recorded access agreement for Parcel 1 of Tentative Parcel Map No. 35989 (TPM35989) for the joint use of the common parking lots located on Parcel 2 and Parcel 3 of TPM 35989, as well as a copy of an executed and recorded access

agreement and easement for Parcel 1 of TPM35989, for the common driveway located on Parcel 2 and Parcel 3 of Tentative Parcel Map No. 35989, prior to approval of a grading plan.

- ENG 30. The applicant shall provide a copy of an executed and recorded reciprocal access agreement for Parcels 2 and 3 of TPM35989 for the common parking lots and common driveway located on Parcel 2 and Parcel 3 of TPM35989, prior to approval of a grading plan.
- ENG 31. All on-site private drive aisles shall be two-way with a minimum 24 feet wide travelway (as measured from face of curb) where no on-street parking is proposed.
- ENG 32. On-site drive aisles shall be constructed with curbs, gutters, and V-gutters, as necessary to accept and convey street surface drainage of the on-site drive aisles to the on-site drainage system, in accordance with applicable City standards.
- ENG 33. Parking shall be restricted along one side of the 26 feet wide private drive aisles, as necessary to maintain a 24 feet wide clear two-way travel way. Regulatory Type R26 "No Parking" signs or red curb shall be installed along the drive aisles as necessary to enforce parking restrictions. The owner(s) of the development shall be responsible for regulating and maintaining required no parking restrictions.
- ENG 34. An accessible pedestrian path of travel shall be provided throughout the development, as may be required by applicable state and federal laws. An accessible path of travel shall be constructed of Portland cement concrete, unless alternative materials meeting state and federal accessibility standards is approved by the City Engineer.

#### SANITARY SEWER

- ENG 35. All sanitary facilities shall be connected to the public sewer system. The on-site sewer system shall not connect to any existing or proposed sewer manhole, and shall connect to any existing or proposed sewer main with a standard sewer lateral connection in accordance with City of Palm Springs Standard Drawing No. 405. No more than two laterals connections shall be made to the public sewer main in Tahquitz Canyon Way.
- ENG 36. All on-site sewer systems shall be privately maintained.
- ENG 37. Submit sewer improvement plans to the Engineering Division for review and approval for the on-site private sewer system. Commercial projects may construct private sewer systems to other approved City standards (i.e. Uniform Plumbing Code) upon approval by the City Engineer. Sewer manhole covers shall be identified as "Private Sewer". A profile view of the on-site private sewer mains is not necessary if sufficient invert information is provided

in the plan view, including elevations with conflicting utility lines. Plans for sewers other than the private on-site sewer mains, i.e. building sewers and laterals from the buildings to the on-site private sewer mains, are subject to separate review and approval by the Building Division.

## GRADING

- ENG 38. Submit a Precise Grading and Paving Plan prepared by a California registered Civil engineer to the Engineering Division for review and approval. The Precise Grading Plan shall be approved by the City Engineer prior to issuance of grading permit.
- a) A Fugitive Dust Control Plan shall be prepared by the applicant and/or its grading contractor and submitted to the Engineering Division for review and approval. The applicant and/or its grading contractor shall be required to comply with Chapter 8.50 of the City of Palm Springs Municipal Code, and shall be required to utilize one or more "Coachella Valley Best Available Control Measures" as identified in the Coachella Valley Fugitive Dust Control Handbook for each fugitive dust source such that the applicable performance standards are met. The applicant's or its contractor's Fugitive Dust Control Plan shall be prepared by staff that has completed the South Coast Air Quality Management District (AQMD) Coachella Valley Fugitive Dust Control Class. The applicant and/or its grading contractor shall provide the Engineering Division with current and valid Certificate(s) of Completion from AQMD for staff that has completed the required training. For information on attending a Fugitive Dust Control Class and information on the Coachella Valley Fugitive Dust Control Handbook and related "PM10" Dust Control issues, please contact AQMD at (909) 396-3752, or at <http://www.AQMD.gov>. A Fugitive Dust Control Plan, in conformance with the Coachella Valley Fugitive Dust Control Handbook, shall be submitted to and approved by the Engineering Division prior to approval of the Precise Grading and Paving plan.
  - b) The first submittal of the Precise Grading and Paving Plan shall include the following information: a copy of final approved conformed copy of Conditions of Approval; a copy of a final approved conformed copy of the Tentative Parcel Map; a copy of current Title Report; a copy of Soils Report; a copy of the associated Hydrology Study/Report; and a copy of the project-specific Final Water Quality Management Plan.
- ENG 39. Prior to issuance of a Grading Permit, the applicant shall obtain written approval to proceed with construction from the Agua Caliente Band of Cahuilla Indians, Tribal Historic Preservation Officer or Tribal Archaeologist. The applicant shall contact the Tribal Historic Preservation Officer or the Tribal Archaeologist at (760) 699-6800, to determine their requirements, if any, associated with grading or other construction. The applicant is advised to contact the Tribal Historic Preservation Officer or Tribal Archaeologist as early as possible. If required, it is the responsibility of the applicant to coordinate

scheduling of Tribal monitors during grading or other construction, and to arrange payment of any required fees associated with Tribal monitoring.

- ENG 40. In accordance with an approved PM-10 Dust Control Plan, temporary dust control perimeter fencing shall be installed. Fencing shall have screening that is tan in color; green screening will not be allowed. Perimeter fencing shall be installed after issuance of Grading Permit, and immediately prior to commencement of grading operations.
- ENG 41. Perimeter fence screening shall be appropriately maintained, as required by the City Engineer. Cuts (vents) made into the perimeter fence screening shall not be allowed. Perimeter fencing shall be adequately anchored into the ground to resist wind loading.
- ENG 42. Within 10 days of ceasing all construction activity and when construction activities are not scheduled to occur for at least 30 days, the disturbed areas on-site shall be permanently stabilized, in accordance with Palm Springs Municipal Code Section 8.50.022. Following stabilization of all disturbed areas, perimeter fencing shall be removed, as required by the City Engineer.
- ENG 43. Prior to issuance of grading permit, the applicant shall provide verification to the City that the fee has been paid to the Agua Caliente Band of Cahuilla Indians in accordance with the Tribal Habitat Conservation Plan (THCP).
- ENG 44. Drainage swales shall be provided adjacent to all curbs and sidewalks to keep nuisance water from entering the public streets, roadways, or gutters.
- ENG 45. A Notice of Intent (NOI) to comply with the California General Construction Stormwater Permit (Water Quality Order 2009-0009-DWQ as modified September 2, 2009) is required for the proposed development via the California Regional Water Quality Control Board online SMARTS system. A copy of the executed letter issuing a Waste Discharge Identification (WDID) number shall be provided to the City Engineer prior to issuance of a grading or building permit.
- ENG 46. Projects causing soil disturbance of one acre or more, must comply with the General Permit for Stormwater Discharges Associated with Construction Activity and shall prepare and implement a stormwater pollution prevention plan (SWPPP). As of September 4, 2012, all SWPPPs shall include a post-construction management plan (including Best Management Practices) in accordance with the current Construction General Permit. The project applicant shall cause the approved final project-specific Water Quality Management Plan to be incorporated by reference or attached to the project's SWPPP as the Post-Construction Management Plan. A copy of the up-to-date SWPPP shall be kept at the project site and be available for review upon request.

- ENG 47. In accordance with City of Palm Springs Municipal Code, Section 8.50.022 (h), the applicant shall post with the City a cash bond of two thousand dollars (\$2,000.00) per disturbed acre at the time of issuance of grading permit for mitigation measures for erosion/blowsand relating to this property and development.
- ENG 48. A Geotechnical/Soils Report prepared by a California registered Geotechnical Engineer shall be required for and incorporated as an integral part of the grading plan for the proposed development. A copy of the Geotechnical/Soils Report shall be submitted to the Engineering Division with the first submittal of a grading plan.
- ENG 49. The applicant shall provide all necessary geotechnical/soils inspections and testing in accordance with the Geotechnical/Soils Report prepared for the project. All backfill, compaction, and other earthwork shown on the approved grading plan shall be certified by a California registered geotechnical or civil engineer, certifying that all grading was performed in accordance with the Geotechnical/Soils Report prepared for the project. Documentation of all compaction and other soils testing are to be provided. No certificate of occupancy will be issued until the required certification is provided to the City Engineer.
- ENG 50. The applicant shall provide pad elevation certifications for all building pads in conformance with the approved grading plan, to the Engineering Division prior to construction of any building foundation.
- ENG 51. In cooperation with the Riverside County Agricultural Commissioner and the California Department of Food and Agriculture Red Imported Fire Ant Project, applicants for grading permits involving a grading plan and involving the export of soil will be required to present a clearance document from a Department of Food and Agriculture representative in the form of an approved "Notification of Intent To Move Soil From or Within Quarantined Areas of Orange, Riverside, and Los Angeles Counties" (RIFA Form CA-1) prior to approval of the Grading Plan. The California Department of Food and Agriculture office is located at 73-710 Fred Waring Drive, Palm Desert (Phone: 760-776-8208).

#### WATER QUALITY MANAGEMENT PLAN

- ENG 52. This project will be required to install measures in accordance with applicable National Pollution Discharge Elimination System (NPDES) Best Management Practices (BMP's) included as part of the NPDES Permit issued for the Whitewater River Region from the Colorado River Basin Regional Water Quality Control Board (RWQCB). The applicant is advised that installation of BMP's, including mechanical or other means for pre-treating contaminated stormwater runoff and non-stormwater runoff, will be required by regulations imposed by the RWQCB. It shall be the applicant's responsibility to design and install appropriate BMP's, in accordance with the NPDES Permit, that



effectively intercept and pre-treat contaminated stormwater runoff and non-stormwater runoff from the project site, prior to release to the City's municipal separate storm sewer system ("MS4"), to the satisfaction of the City Engineer and the RWQCB. Such measures shall be designed and installed on-site; and provisions for perpetual maintenance of the measures shall be provided to the satisfaction of the City Engineer.

- ENG 53. A Final Project-Specific Water Quality Management Plan (WQMP) shall be submitted to and approved by the City Engineer prior to issuance of a grading or building permit. The WQMP shall address the implementation of operational Best Management Practices (BMP's) necessary to accommodate nuisance water and storm water runoff from the site. Direct release of nuisance water to the adjacent property or public streets is prohibited. Construction of operational BMP's shall be incorporated into the Precise Grading and Paving Plan.
- ENG 54. Prior to issuance of any grading or building permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument on a standardized form to inform future property owners of the requirement to implement the approved Final Project-Specific WQMP. Other alternative instruments for requiring implementation of the approved Final Project-Specific WQMP include: requiring the implementation of the Final Project-Specific WQMP in Property Owner Association Covenants, Conditions, and Restrictions (CC&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the Final Project-Specific WQMP; or equivalent. Alternative instruments must be approved by the City Engineer prior to the issuance of any grading or building permits.
- ENG 55. Prior to issuance of certificate of occupancy or final City approvals, the applicant shall: (a) demonstrate that all structural BMP's have been constructed and installed in conformance with approved plans and specifications; (b) demonstrate that applicant is prepared to implement all non-structural BMP's included in the approved Final Project-Specific WQMP, conditions of approval, or grading/building permit conditions; and (c) demonstrate that an adequate number of copies of the approved Final Project-Specific WQMP are available for the future owners (where applicable).

## DRAINAGE

- ENG 56. All stormwater runoff passing through the site shall be accepted and conveyed across the property in a manner acceptable to the City Engineer. For all stormwater runoff falling on the site, on-site retention or other facilities approved by the City Engineer, shall be required to contain the increased stormwater runoff generated by the development of the property, as described in the Preliminary Hydrology Study for Vivante of Palm Springs (Tentative Parcel Map 35989 Amended), prepared by VA Consulting, Inc. as

revised in July, 2012. Final sizing of all on-site storm drainage improvements shall be determined in the final hydrology study and approved by the City Engineer. Provisions for on-site retention of increased stormwater runoff shall be required.

ENG 57. Submit storm drain improvement plans for all on-site storm drainage facilities for review and approval by the City Engineer.

ENG 58. Construct all necessary on-site storm drain improvements, including but not limited to on-site underground retention, catch basins, storm drain lines, rock-lined V-ditch, and concrete rectangular drainage channel, as described in a final Hydrology Study for Vivante of Palm Springs (Tentative Parcel Map 35989 Amended), reviewed and approved by the City Engineer.

ENG 59. All on-site storm drain systems shall be privately maintained.

ENG 60. The proposed underground retention systems shall be installed on-site and not within the public right-of-way. The underground stormwater retention systems shall be sized to have sufficient capacity equal to the volume of increased stormwater runoff due to development of the site, as identified in a final hydrology study approved by the City Engineer. A decrease to the required retention volume may be allowed for percolation of the stormwater runoff into the underlying gravel and soil, not to exceed 2 inches per hour. Maintenance of the underground stormwater retention systems are the sole responsibility of the development owner(s); maintenance and/or replacement of the systems may require removal of existing drive aisle improvements at the sole expense of the development owner(s). The Final Project-Specific Water Quality Management Plan *Covenant and Agreement* shall reserve the right of the City to inspect and ensure that the underground retention system is operable, and in the event of its failure, shall provide the City the right to advise the owner(s) of the development and require its repair or replacement within 30 days notice, to the satisfaction of the City Engineer.

ENG 61. The project is subject to flood control and drainage implementation fees. The acreage drainage fee at the present time is \$9,212.00 per acre in accordance with Resolution No. 15189. Fees shall be paid prior to issuance of a building permit.

#### GENERAL

ENG 62. Any utility trenches or other excavations within existing asphalt concrete pavement of off-site streets required by the proposed development shall be backfilled and repaired in accordance with City of Palm Springs Standard Drawing No. 115. The developer shall be responsible for removing, grinding, paving and/or overlaying existing asphalt concrete pavement of off-site streets as required by and at the discretion of the City Engineer, including additional pavement repairs to pavement repairs made by utility companies for utilities installed for the benefit of the proposed development (i.e. Desert

Water Agency, Southern California Edison, Southern California Gas Company, Time Warner, Verizon, Mission Springs Water District, etc.). Multiple excavations, trenches, and other street cuts within existing asphalt concrete pavement of off-site streets required by the proposed development may require complete grinding and asphalt concrete overlay of the affected off-site streets, at the discretion of the City Engineer. The pavement condition of the existing off-site streets shall be returned to a condition equal to or better than existed prior to construction of the proposed development.

- ENG 63. All proposed utility lines shall be installed underground.
- ENG 64. All existing utilities shall be shown on the improvement plans required for the project. The existing and proposed service laterals shall be shown from the main line to the property line.
- ENG 65. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.
- ENG 66. The original improvement plans prepared for the proposed development and approved by the City Engineer shall be documented with record drawing "as-built" information and returned to the Engineering Division prior to issuance of a "final" approval by City. Any modifications or changes to approved improvement plans shall be submitted to the City Engineer for approval prior to construction.
- ENG 67. Nothing shall be constructed or planted in the corner cut-off area of any intersection or driveway which does or will exceed the height required to maintain an appropriate sight distance per City of Palm Springs Zoning Code Section 93.02.00, D.
- ENG 68. All proposed trees within the public right-of-way and within 10 feet of the public sidewalk and/or curb shall have City approved deep root barriers installed in accordance with City of Palm Springs Standard Drawing No. 904.

#### MAP

- ENG 69. A Parcel Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Parcel Map to the Engineering Division as part of the review of the Map.

- ENG 70. The Tentative Parcel Map is subject to construction of all required public improvements. Prior to approval of a Parcel Map, all required public improvements shall be completed to the satisfaction of the City Engineer, or shall be secured by the Subdivision Improvement Agreement signed by applicant and the City for this project.
- ENG 71. In accordance with Section 66445 (j) of the Government Code, the right-of-way for Andreas Road may be abandoned upon the filing of a Parcel Map identifying the abandonment of the easements granted to the City of Palm Springs.
- ENG 72. Upon approval of a parcel map, the parcel map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

#### TRAFFIC

- ENG 73. As determined by the Hyatt Place Hotel/Marriott Residence Inn Palm Springs Traffic Impact Study Amendment B reflecting the amended Vivante Project (dated August 17, 2012) by Endo Engineering:
- a) Clear unobstructed sight distance shall be provided at all project access points, consisting of a sight triangle inside the property measuring 8 feet by 8 feet on either side of each access driveway. Screening fences or landscaping shall be restricted within the sight triangle to maintain the required sight distance.
  - b) Contribute a fair share payment of 3.166% (\$3,166.00) of the cost to install eastbound and westbound protective/permissive phasing at the traffic signal existing at the intersection of Tahquitz Canyon Way and Calle El Segundo.
  - c) Contribute a fair share payment of 3.850% (\$7,700.00) of the cost to signalize the intersection of Avenida Caballeros and Amado Road.
  - d) The proposed curb on the west side of Hermosa Drive and be painted red for a minimum distance of 100 feet north of Tahquitz Canyon Way.

- ENG 74. Install a stop sign, stop bar, and "STOP" legend for traffic exiting the development at each of the four driveway access points on Tahquitz Canyon Way and Hermosa Drive, in accordance with City of Palm Springs Standard Drawing Nos. 620-625 and the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction, as required by the City Engineer.
- ENG 75. A minimum of 48 inches of clearance for handicap accessibility shall be provided on public sidewalks or pedestrian paths of travel within the development.
- ENG 76. All damaged, destroyed, or modified pavement legends, traffic control devices, signing, striping, and street lights, associated with the proposed development shall be replaced as required by the City Engineer prior to issuance of a Certificate of Occupancy.
- ENG 77. Construction signing, lighting and barricading shall be provided during all phases of construction as required by City Standards or as directed by the City Engineer. As a minimum, all construction signing, lighting and barricading shall be in accordance with Part 6 "Temporary Traffic Control" of the California Manual on Uniform Traffic Control Devices for Streets and Highways, dated January 13, 2012, or subsequent editions in force at the time of construction.
- ENG 78. This property is subject to the Transportation Uniform Mitigation Fee which shall be paid prior to issuance of building permit.

### **FIRE DEPARTMENT CONDITIONS**

These Fire Department conditions may not provide all requirements. Detailed plans are still required for review.

- FID 1 These conditions are subject to final plan check and review. Initial fire department conditions have been determined on the site plan dated \_\_\_\_\_. Additional requirements may be required at that time based on revisions to site plans.
- FID 2 Fire Department Conditions were based on the 2010 California Fire Code. Four complete sets of plans for private fire service mains, fire alarm, or fire sprinkler systems must be submitted at time of the building plan submittal.
- FID 3 **Plot Plan:** Prior to completion of the project, an 8.5"x11" plot plan or drawing, and an electronic version in an industry standard file format capable of being used in a geographical information system (GIS) preferably an ESRI shape file(s) shall be provided to the fire department. The GIS file shall be projected

in the California State Plane Zone VI coordinate system and capable of being re-projected into the North American Datum 1983 coordinate system. PDF files by themselves will not meet this requirement. The GIS and ESRI shape file(s) shall clearly show all access points, fire hydrants, KNOX™ box locations, fire department connections, dwelling unit or suite identifiers, main electrical panel location(s), sprinkler riser and fire alarm locations. Industry standard symbols used in emergency management and pre-fire planning are encouraged. Large projects may require more than one page. AutoCAD files will be accepted but must be approved prior to acceptance.

#### **FID 4 PLANS AND PERMITS**

When there are significant changes in occupancy, water supply, storage heights, type, and quantity of storage, storage configurations, Tenant Improvements or any other changes which may affect the fire sprinkler system design, the owner, tenant or contractor shall submit plans and secure permits.

Complete plans for private fire service mains or fire sprinkler systems should be submitted for approval well in advance of installation. Plan reviews can take up to 20 working days. Submit a minimum of four (4) sets of drawings for review. Upon approval, the Fire Prevention Bureau will retain two sets.

Plans shall be submitted to:

**City of Palm Springs  
Building and Safety Department  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA92262**

**Counter Hours: M – TH, 8:00 AM – 11:00 AM and 2:00 PM – 6:00 PM**

A deposit for Plan Check and Inspection Fees is required at the time of Plan Submittal. The minimum fee is \$ 208.00. These fees are established by Resolution of the Palm Springs City Council.

Complete listings and manufacturer's technical data sheets for all system materials shall be included with plan submittals. All system materials shall be UL listed or FM approved for fire protection service and approved by the Fire Prevention Bureau prior to installation.

Plans shall indicate all necessary engineering features, including all hydraulic reference nodes, pipe lengths and pipe diameters as required by the appropriate codes and standards. Plans and supportive data (calculations and manufacturer's technical data sheets) shall be submitted with each plan submittal. Complete and accurate legends for all symbols and abbreviations shall be provided on the plans.

Plot Plan: Prior to completion of the project, a 8.5"x11" plot plan and an electronic CAD version shall be provided to the fire department. This shall clearly show all access points, fire hydrants, knox box locations, fire department connections, unit identifiers, main electrical panel locations, sprinkler riser and fire alarm locations. Large projects may require more than one page.

- FID 5 **Public Safety CFD:** The Project will bring a significant number of additional residents to the community. The City's existing public safety and recreation services, including police protection, criminal justice, fire protection and suppression, ambulance, paramedic, and other safety services and recreation, library, cultural services are near capacity. Accordingly, the City may determine to form a Community Services District under the authority of Government Code Section 53311 et seq, or other appropriate statutory or municipal authority. Developer agrees to support the formation of such assessment district and shall waive any right to protest, provided that the amount of such assessment shall be established through appropriate study and shall not exceed \$500 annually with a consumer price index escalator. The district shall be formed prior to sale of any lots or a covenant agreement shall be recorded against each parcel, permitting incorporation of the parcel in the district.
- FID 6 **Access During Construction (CFC 503):** Access for firefighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'6". Fire Department access roads shall have an all weather driving surface and support a minimum weight of 73,000 lbs.
- FID 7 **Fencing Requirements (8.04.260 PSMC):** Construction site fencing with 20 foot wide access gates is required for all combustible construction over 5,000 square feet. Fencing shall remain intact until buildings are stuccoed or covered and secured with lockable doors and windows.
- FID 8 **Fire Apparatus Access Gates (8.04.260 PSMC):** Entrance gates shall have a clear width of at least 15 feet and be equipped with a frangible chain and padlock.
- FID 9 **Security Gates (CFC 503.6):** The installation of security gates across a fire apparatus access road shall be approved by the Fire Chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and an approved Knox key electric switch. Secured non-automated vehicle gates or entries shall utilize an approved

padlock or chain (maximum link or lock shackle size of ¼ inch). Approved security gates shall be a minimum of 14 feet in unobstructed drive width on each side with gate in open position.

In the event of a power failure, the gates shall be defaulted or automatically transferred to a fail safe mode allowing the gate to be pushed open without the use of special knowledge or any equipment. If a two-gate system is used, the override switch must open both gates.

If there is no sensing device that will automatically open the gates for exiting, a fire department approved Knox electrical override switch shall be placed on each side of the gate in an approved location.

A final field inspection by the fire code official or an authorized representative is required before electronically controlled gates may become operative. Prior to final inspection, electronic gates shall remain in a locked-open position.

- FID 10 **Premises Identification (505.1):** New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high for R-3 occupancies and 6" - 12" for all other occupancies depending on distance from street with a minimum stroke width of 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.
- FID 11 **Fire Hydrant Flow and Number of Fire Hydrants (CFC 508.5):** Fire hydrants shall be provided in accordance with CFC Appendix B, Fire Flow Requirements for Buildings, for the protection of buildings, or portions of buildings, hereafter constructed. The required fire hydrant flow for this project is 2000 gallons per minute (CFC Appendix B) and one available fire hydrant must be within 250 feet from any point on your lot street frontage. (CFC Appendix C)
- FID 12 **NFPA 13 Fire Sprinkler System is Required:** An automatic fire sprinkler system is required for intended occupancy use. Only a C-16 licensed fire sprinkler contractor shall perform system design and installation. System to be designed and installed in accordance with NFPA 13, 2010 Edition and using Cp of 0.74 and I/r Ratio of 200. No portion of the fire sprinkler system shall be installed prior to plan approval. Prior to final approval of the installation, contractor shall submit a completed Contractors Material and Test Certificate for Aboveground Piping to the Fire Department. (NFPA 13: Figure 24.1)



**FID 13 Trash Dumpster (CFC 304.3.3)** Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m<sup>3</sup>)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

**Exceptions:**

1. Dumpsters or containers in areas protected by an approved automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

**FID 14 Identification (CFC 510.1):** Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

**FID 15 Balconies and Decks (903.3.1.2.1).** Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

**FID 16 Fire Sprinkler Supervision and Alarms System (CFC 903.4/4.1):** All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all fire sprinkler systems shall be electrically supervised by a listed Fire Alarm Control Unit (FACU). The listed FACU alarm, supervisory and trouble signals shall be distinctly different and shall be monitored at a UL listed central station service. The fire sprinkler supervision and alarms system shall comply with the requirements of NFPA 72, 2010 Edition. All control valves shall be locked in the open position.

**FID 17 Audible Water Flow Alarms (CFC 903.4.2 & Appendix K: 4.3):** An approved audible sprinkler flow alarm (Wheelock horn/strobe with WBB back box or equal) shall be provided on the exterior of the building in an approved location. The horn/strobe shall be outdoor rated. A second horn/strobe shall be installed in the interior of the building in a normally occupied location. In multiple suite buildings, additional interior horn/strobes shall be installed in all suites with 50 or more occupant load. Power shall be provided from a fire

alarm control unit. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

- FID 18 **Fire Hydrant & FDC Location (CFC 912.2):** A public commercial fire hydrant is required within 30 feet of the Fire Department Connection (FDC). Fire Hose must be protected from vehicular traffic and shall not cross roadways, streets, railroad tracks or driveways or areas subject to flooding or hazardous material or liquid releases.
- FID 19 **Fire Department Connections (CFC 912.2.1 & 912.3):** Fire Department connections shall be visible and accessible, have two 2.5 inch NST female inlets, and have an approved check valve located as close to the FDC as possible. All FDC's shall have KNOX locking protective caps. Contact the fire prevention secretary at 760-323-8186 for a KNOX application form.
- FID 20 **Fire Extinguisher Requirements (CFC 906):** Provide one 2-A:10-B:C portable fire extinguisher for every 75 feet of floor or grade travel distance for normal hazards. Show proposed extinguisher locations on the plans. Extinguishers shall be mounted in a visible, accessible location 3 to 5 feet above floor level. Preferred location is in the path of exit travel or near an exit door.
- FID 21 **Operational Fire Hydrant(s) (CFC 508.1, 508.5.1 & 1412.1):** Operational fire hydrant(s) shall be installed within 250 feet of all combustible construction. They shall be installed and made serviceable prior to and during construction. No landscape planting, walls, or fencing is permitted within 3 feet of fire hydrants, except ground cover plantings.
- FID 22 **Storage Beneath Overhead Projections From Buildings (CFC 315.3.1):** Where buildings are protected by automatic sprinklers, the outdoor storage, display and handling of combustible materials under eaves, canopies or other projections or overhangs is prohibited except where automatic sprinklers are installed under such eaves, canopies or other projections or overhangs.
- FID 23 **Turning radius (CFC 503.2.4):** Fire access road turns and corners shall be designed with a minimum inner radius of 25 feet and an outer radius of 43 feet. Radius must be concentric.
- FID 24 **Aerial Fire Access Roads (CFC 503.2.8):** Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
- FID 25 **Aerial Fire Access Road Width (CFC 503.2.8.1):** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.

- FID 26 **Aerial Access Proximity to Building (CFC 503.2.8.2):** At least one of the required access routes for buildings or facility exceeding 30 feet in height above the lowest level of fire department vehicle access shall be located within a minimum of 15 feet and a maximum of 30 feet from the building and shall be positioned parallel to one entire side of the building.
- FID 27 **Elevator Recall Required (CFC 607.1):** Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. **New elevators** shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1.
- FID 28 **HVAC Duct Smoke Detection/Shut Down with a Fire Sprinkler Supervision & Alarm System or Fire Alarm System (CFC 907.4.1, CMC 609.0 & NFPA 72):** All HVAC systems supplying greater than 2,000 CFM shall require a duct detector and HVAC shut down when smoke is detected. HVAC shut down shall be on an individual basis, not global. These systems shall supervise the Duct Detectors and activate the notification appliances. An accessory module shall be installed for each unit, including alarm LED, pilot LED and key-operated test/reset switch.
- FID 29 **Elevator Stretcher Requirement (CBC 3002.4):** Elevator shall be designed to accommodate medical emergency service in buildings four or more stories above grade plane or four or more stories below grade plane, at least one elevator shall be provided for fire department emergency access to all floors. The elevator(s) so designed shall accommodate the loading and transport of an ambulance gurney or stretcher 24 inches by 84 inches in the horizontal position.
- Due to the nature of the occupancy, one elevator, on each wing closest to the main lobby, shall be designed to accommodate an ambulance stretcher.
- FID 30 **Posting of Occupant Load (CFC 1004.3):** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.
- FID 31 **Standpipe Systems Required (CFC 905.3):** Class 1 Standpipe system is required in addition to the automatic sprinkler system.
- FID 32 **Key Box Required to be Installed (CFC 506.1):** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved

location. The key box shall be flush mount type and shall contain keys to gain necessary access as required by the fire code official.

Secured emergency access gates serving apartment, town home or condominium complex courtyards must provide a key box in addition to association or facility locks. The nominal height of Knox lock box installations shall be 5 feet above grade. Location and installation of Knox key boxes must be approved by the fire code official.

**FID 33 Key Box Contents (CFC 506.1):** The Knox key box shall contain keys to all areas of ingress/egress, alarm rooms, fire sprinkler riser/equipment rooms, mechanical rooms, elevator rooms, elevator controls, plus a card containing the emergency contact people and phone numbers for the building/complex.

**END OF CONDITIONS**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA APPROVING AN AMENDMENT (AMND B) TO CASE 5.1160 PDD 341 & TPM 35989; A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 10-ACRE PARCEL AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY AND HERMOSA DRIVE; SECTION 14.

WHEREAS, Vivante Palm Springs, LLC. ("the Applicant") filed an application pursuant to Zoning Section 94.07.00 (*Zone Map Change / Change of Zone*) and Section 94.03.00 (*Planned Development District*) to amend PDD 341 to become a Planned Development District in lieu of a Change of Zone for an approximately 10-acre parcel at the northwest corner of Tahquitz Canyon Way and Hermosa Drive, identified as APNs 508-070-028 & 508-070-040; and

WHEREAS, the applicant submitted an application pursuant to Title 9 of the Palm Springs Municipal Code and Section 66474 of the California Subdivision Map Act to amend Tentative Parcel Map 35989 from a four-lot subdivision to a three-lot subdivision, affecting the same parcel as PDD 341, and

WHEREAS, a notice of public hearing for Case 5.1160 PDD 341 AMND B / TPM 34989 AMND B was given in accordance with applicable law; and

WHEREAS, on September 26, 2012, a public meeting on Case 5.1160 PDD 341 AMND B / TPM 35989 AMND B was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") An Initial Study was conducted and the project was found to cause potentially significant impacts to the environment. Mitigation measures have been proposed reducing any potentially significant impacts to less than significant. The applicant has agreed in writing to all proposed mitigation measures. A Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public comment for a period of 20 days. No new information was discovered that would require further analysis under CEQA; and

WHEREAS, at said hearing the Planning Commission carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented and voted 7-0 to approve the preliminary PDD in lieu of Change of Zone and to recommend its approval by Ordinance of the City Council

and approval of the amendment to the Tentative Parcel Map by Resolution, subject to Conditions of Approval.

WHEREAS, notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1160 PDD 341 AMND B / TPM 35989 AMND B, was given in accordance with applicable law; and

WHEREAS, on November 7, 2012, a public hearing on the application for the project was held by the City Council in accordance with applicable law; and,

WHEREAS, a Planned Development District in lieu of a Change of Zone is adopted by ordinance and includes two readings and a thirty-day period before it is effective; and

WHEREAS, an ordinance was prepared for two readings before Council for the approval of Case 5.1160 PDD 341 AMND B / TPM 35989 AMND B, and

WHEREAS, at said public hearing the City Council considered Case 5.1160 PDD 341 AMND B / TPM 35989 AMND B, including the staff report, the associated MND, and all written and public testimony.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to CEQA, the City Council hereby adopts the Mitigated Negative Declaration as an adequate analysis of the potential environmental impacts of the proposed Change of Zone and Tentative Parcel map. The City Council further finds that with adoption of the proposed mitigation measures, all potentially significant impacts will be reduced to less than significant impacts.

SECTION 2: Pursuant to Zoning Code Section 94.07.00 (Change of Zone), *"the council in reviewing a proposed change of zone shall consider whether the following conditions exist in reference to the proposed zoning of the subject property"*:

- 1. The proposed change of zone is in conformity with the general plan map and report. Any amendment of the general plan necessitated by the proposed change of zone should be made according to the procedure set forth in the State Planning Law either prior to the zone change, or notice may be given and hearings held on such general plan amendment concurrently with notice and hearings on the proposed change of zone.*

The project is located within the Tourist Resort Commercial land use designation of the General Plan. Commercial and entertainment uses are encouraged and

will be a part of the PDD. Permanent residential uses such as an assisted living facility may be approved in this land use area with a PDD under the General Plan.

*2. The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

The mixed use project contains an assisted living facility and commercial buildings separated by parking areas. The roughly 10-acre site has a total of four access points from two streets.

The General Plan limits commercial development to a 0.35 floor area ratio (FAR) and residential development to 30 dwelling units per acre. The Section 14 Specific Plan limits commercial development to a 0.38 FAR and requires a minimum of 1,500 square feet of lot area per dwelling unit.

The following table summarizes the project's conformance to these requirements:

Proposed Parcel (TPM 35989)	FAR		Density	
	Maximum Gen. Plan and Spec. Plan	Proposed	Maximum Gen. Plan and Spec. Plan	Proposed
1 (Assisted Lvng.)	N/A		30 d.u. / ac. and 1,500 sq. ft. of lot area per unit	26 d.u. / ac. and 1,674 sq. ft. of lot area per unit
2 (Comm. Bldg. 3)	0.35 and 0.38	0.11	N/A	
3 (Comm. Bldg. 1 & 2)	0.35 and 0.38	0.23	N/A	

The subject site conforms to the density and FAR requirements of the General Plan and Section 14 Specific Plan.

*3. The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The Planned Development District in lieu of a Change of Zone and the mixed use project containing commercial uses and an assisted living facility is necessary and proper for the development along Tahquitz Canyon Way. The PDD proposes uses that are supportive and complementary to adjacent uses, including the commercial uses along Tahquitz Canyon Way and tourist-related activities found in this part of the City.

A set of conditions of approval are attached as Exhibit "A".

SECTION 3. Pursuant to California Law, an ordinance was prepared for two readings before Council for the approval of Case 5.1160 PDD 341 AMND / TPM 35989 AMND and a thirty-day waiting period before it is effective allowing the approval of the ordinance.

SECTION 4. The City Council adopts an ordinance to approve the zone map change which changes the land use classification / zoning designation from REO (Retail Entertainment-Office to RA (Resort Attraction) and PDD 341 for a roughly 10-acre parcel at the northwest corner of Tahquitz Canyon Way and Hermosa Drive in conjunction with Case 5.1160 PDD 341 AMND B / TPM 35989 AMND B.

SECTION 5. Effective Date: This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION 6. Publication: The City Clerk is hereby ordered to and directed to certify to the passage of this Ordinance, and to cause the same or summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

ADOPTED this 7th day of November, 2012.

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MAYOR

ATTEST:

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City Clerk



CERTIFICATION:

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_ and adopted at a regular meeting of the City Council held on \_\_\_\_\_ by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California \



## Planning Commission Staff Report

Date: September 26, 2012

Case No.: 5.1160, PD 341 AMND B; TPM 35989 AMND

Application Type: Amendment to a previously approved Preliminary Planned Development District and amendment to a Tentative Parcel Map

Location: Northwest corner of Tahquitz Canyon Way and Hermosa Drive.(1112 & 1122 East Tahquitz Canyon Way)

Applicant: O & M Tahquitz, LLC. (Nexus Development)

General Plan: Tourist Resort Commercial and Section 14 Specific Plan

Zone: REO / C-1-AA (Retail/Entertainment/Office) / (Large Scale Retail/Commercial Zone)

APNs: 508-070-028 & 508-070-040

From: Craig Ewing, AICP, Director of Planning Services

Project Planner: David A. Newell, Associate Planner

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### PROJECT DESCRIPTION

In 2009, O & M Tahquitz, LLC. received Final Development Plan approval for Planned Development District (PDD 341) and Tentative Parcel Map (TPM 35989) for a project called "Convention Center Commons". The project included two hotels and three commercial/retail/office buildings on approximately 10 acres at the northwest corner of Tahquitz Canyon Way and Hermosa Drive. The applicant never developed the project.

The applicant is now seeking an amendment to the approvals to develop the 10-acre site with the following:

1. An assisted living facility containing 132-units within a 2-story, 145,000-square

- foot building on the northerly half of the site;
2. A total of 26,120 square feet of retail, restaurant and office space within three separate buildings on the southerly half of the site (same heights, sizes and architecture as current approvals);
3. Associated open space, landscaping, parking, off-street loading and trash enclosures.

The amendment applications include:

1. A preliminary PDD in lieu of a Change of Zone seeking:
  - a. The addition of Assisted Living Facilities as a permitted use to PD 341;
  - b. Approval of deviations in development standards for the zone and Section 14 Specific Plan;
  - c. Preliminary Development Plan approvals for the mixed-use project;
2. An amendment of TPM 35989 to split the roughly 10-acre parcel into three lots.

### **RECOMMENDATION**

That the Planning Commission:

- Re-adopt the Mitigated Negative Declaration (MND) and recommend re-adoption of the MND by the City Council;
- Approve the amended Preliminary Planned Development District 341; including the allowance of an assisted living facility within PD 341, the proposed deviations to the Zone / Specific Plan and the Preliminary Development Plans;
- Recommend approval by the City Council of the amended Preliminary Planned Development District 341 as a PD in lieu of zone change;
- Recommend approval by the City Council of the proposed amendment to Tentative Parcel Map 35989 changing the map from a four-lot subdivision to a three-lot subdivision, for a roughly 10-acre parcel; subject to the attached conditions of approval.

### **PRIOR ACTIONS**

On August 13, 2008, the Planning Commission adopted a Mitigated Negative Declaration and voted to approve the Preliminary PDD and to recommend approval by the City Council of Case 5.1160 PDD 341 "Convention Center Commons" and Tentative Parcel Map 35989 subject to conditions of approval.

On September 17, 2008 the City Council adopted a Mitigated Negative Declaration and approved the preliminary Planned Development for Convention Center Commons.

On January 28, 2009, the Planning Commission voted 7-0 to approve the Final PDD for Convention Center Commons.

On November 9, 2010, the Planning Commission approved a Time Extension on the original entitlement of the Final PDD for Convention Center Commons. The request for a one year time extension was granted from January 28, 2011 to January 27, 2012.

On December 14, 2011, the Planning Commission denied an amendment request to PD 341 for a 132-unit assisted living facility on approximately 4.62 acres of the original PD.

On February 8, 2012, the Planning Commission approved a Time Extension on the original entitlement of the Final PDD for Convention Center Commons. The request for a one year time extension was granted from January 28, 2012 to January 27, 2013.

On July 24, 2012, the applicant submitted the current PD amendment application.

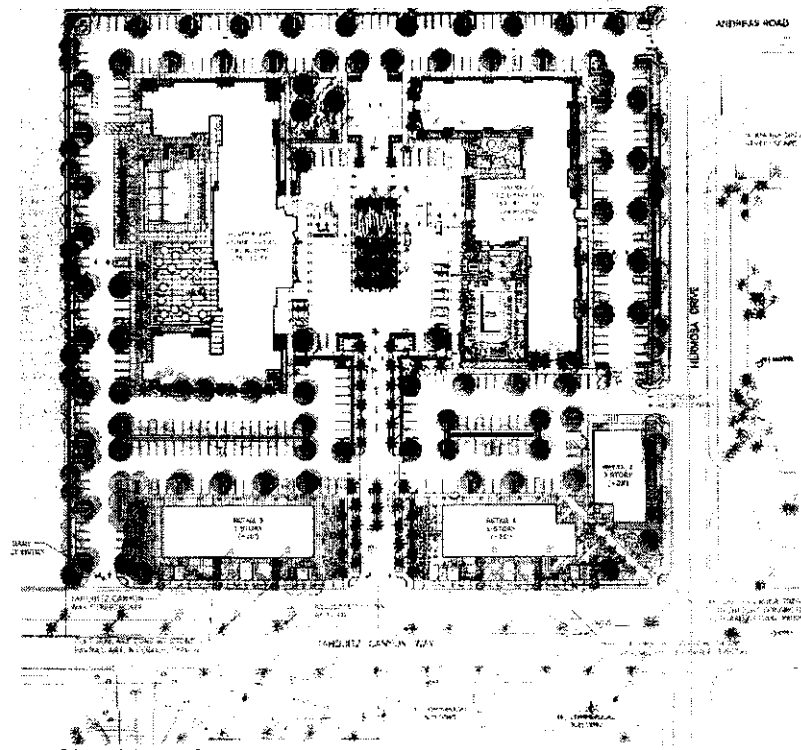
On August 20, 2012, the Architectural Advisory Committee (AAC) reviewed the proposed amendment and voted 5-0 to recommend approval to the Planning Commission, subject to the following:

1. Consider incorporating dog park into assisted living facility amenities;
2. AAC to review final plans with additional details, dimensions, etc.;
3. East elevation to be enhanced;
4. Revise the parking layout to comply with City standards;
5. Provide additional parking lot shading;
6. Retail along Tahquitz Canyon Way to be more pedestrian-oriented;
7. Ensure landscaping is pet friendly;
8. Remove fence around unit courtyards from plans since no longer proposed;
9. Provide better pedestrian access between assisted living facility and commercial buildings.

See AAC Review under the Staff Analysis section below.

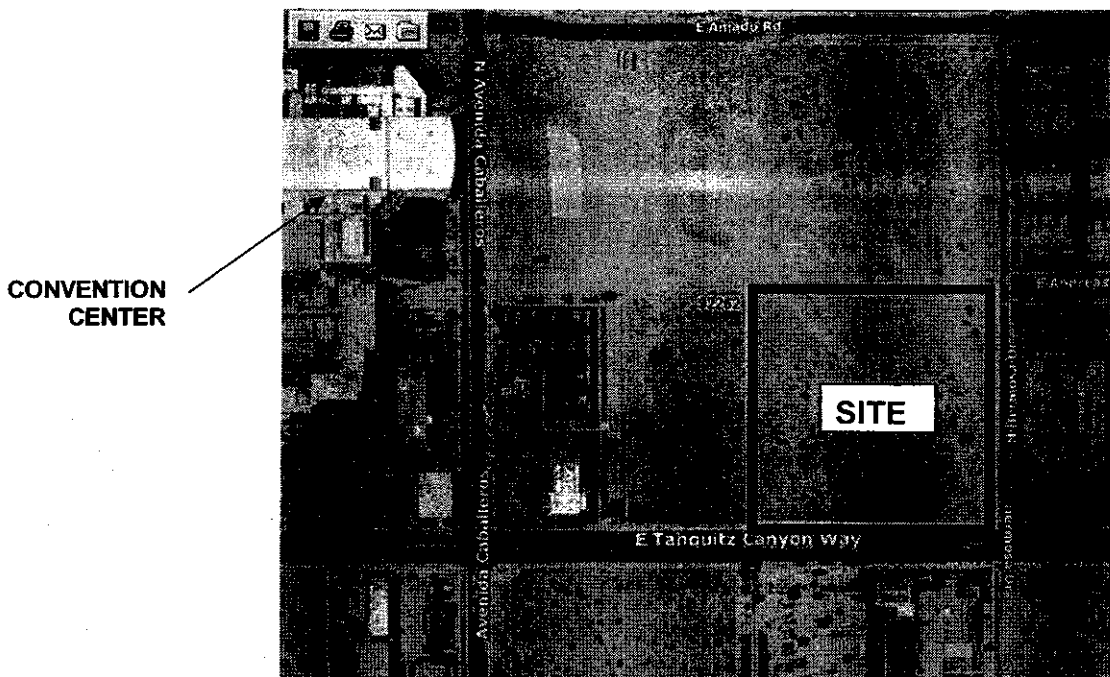
### **BACKGROUND AND SETTING**

In 2008, "Convention Center Commons" was approved as a Planned Development District and Tentative Parcel Map; proposing development of two, four-story hotels totaling over 300 guest rooms and three, one- and two-story commercial buildings totaling over 26,000 square feet on four separate parcels totaling roughly 10 acres at the northwest corner of Tahquitz Canyon Drive and Hermosa Drive. The project proposed several buildings, surface parking, landscaping and a shared center driveway and porte-cocheres for the two hotels as shown on the conceptual site plan below.



SITE PLAN OF FORMER "CONVENTION CENTER COMMONS"

Due to economic conditions the project has not been developed. A subsequent amendment was submitted and included only the proposed assisted living facility on the westerly half of the site, but this request was ultimately withdrawn after a denial by the Planning Commission. The site is still vacant.



AERIAL PHOTO SHOWING SITE AND SURROUNDING LAND USES

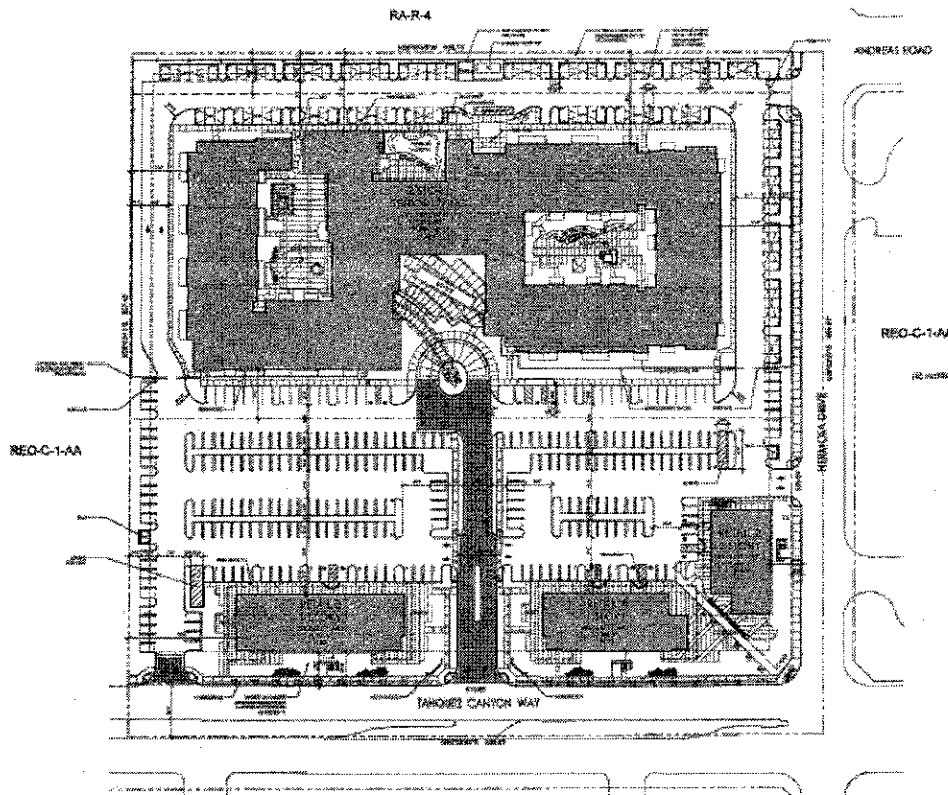
The site is located approximately two blocks east of the Convention Center and is within the boundaries of the Section 14 Specific Plan. Tahquitz Canyon Way is a major divided thoroughfare on the City's General Plan Circulation Map and Hermosa Drive is a two-lane collector.

The table below denotes the existing surrounding land uses, zoning and General Plan Land Use Designations.

	Existing Land Use	Zoning Map Designation	General Plan Designation
Site	Vacant	REO (Retail/Entertainment/Office), Part of Catalyst Opportunity Site "A"	Tourist Resort Commercial
North	Vacant	RA (Resort Attraction), Part of Catalyst Opportunity Site "A",	Tourist Resort Commercial
South	Tribal Cemetery / Office Uses	REO (Retail/Entertainment/Office) and C (Cemetery)	Tourist Resort Commercial
East	Courtyard by Marriot Hotel	RA (Resort Attraction)	Tourist Resort Commercial
West	Vacant	REO (Retail/Entertainment/Office)	Tourist Resort Commercial

**PROJECT DESCRIPTION**

This proposal seeks to amend the current PD 341 approval by retaining the southerly half of the site with the three commercial buildings as approved, eliminating the two hotel projects on the northerly half of the site and constructing the proposed 132-unit assisted living facility in place of the two hotels. The proposed site plan is below.



PLANNED DEVELOPMENT DISTRICT

The assisted living facility is proposed to be a roughly 145,000-square foot, two-story building on a roughly five acre (221,245 square feet) parcel. The project proposes 132 dwelling units with a mix of studio, one and two bedroom floor plans at a density of 26 dwelling units/acre. There are a total of 154 bedrooms.

The building, designed in a contemporary style with simple flat two-tone stucco volumes, balconies and horizontal shade elements and a flat roof, is arranged around several courtyards. The main entrance into the building is accessed from a circular vehicular drive located at the center side of the parcel, accessed from the proposed main parking area and paved, central driveway. The assisted living facility will be gated along the side and rear perimeters with an ornamental fence; this will restrict vehicular and pedestrian access around the facility. Most of the first floor residential units have small outdoor patios enclosed by low landscape fences and many of the units on the west side of the second floor have small balconies with tempered clear glass railings.

The assisted living facility provides a variety of common areas for residents including an indoor pool, dining facilities (served by a commercial kitchen facility), activity rooms, as well as various treatment rooms and an administrative office suite. Outdoor recreational and gathering spaces include the courtyards where there is a bocce ball court, a putting green, a small dog park and other recreational and therapeutic amenities.

The retail/commercial component of the development will consist of three different structures ranging from 22 to 30 feet in height with parapet walls exceeding these heights. Building 1 is a one-story structure located at the southeasterly portion of the site along Tahquitz Canyon Way. This one story building is approximately 7,480 square feet in size, and approximately 22 feet high (including parapet).

Building 2 is a proposed two-story structure that is approximately 9,680 square feet in size and located at the southeasterly corner of the site along Hermosa Drive. The first floor of this building is designed for retail/commercial uses; the second floor is an office space that will be occupied by the developers of the project. The structure will be 29'-6" high (excluding parapet).

Building 3 is a one-story structure located at the southwesterly portion of the site along Tahquitz Canyon Way; this building is approximately 8,960 square feet in size and 22 feet high (including parapet).

Outdoor seating and dinning areas are proposed at both ends of each of the commercial buildings.

## **ANALYSIS**

The project is comprised of the following components:

1. A preliminary PDD in lieu of a Change of Zone seeking:
  - a. To add assisted living facilities as a permitted use within the PDD
  - b. Approval of deviations in development standards for the zone and Specific

- Plan,
- c. Approval of Preliminary Development Plans (site plan, building plans, elevations, color and materials, landscaping, parking, and usable open space), and
2. An amendment to Tentative Parcel Map 35989 changing the map from a four-lot subdivision to a three-lot subdivision for a roughly 10-acre parcel at the northwest corner of Tahquitz Canyon Way and Hermosa Drive.

**General Plan:**

The General Plan land use designation for the site is Tourist Resort Commercial (0.35 FAR). From Page 2-6 of the 2007 General Plan, this land use designation is defined as follows:

*This land use designation provides for large-scale resort hotels and timeshares including a broad range of convenience, fitness, spa, retail, and entertainment uses principally serving resort clientele. Commercial recreation and entertainment facilities, such as convention centers, museums, indoor and outdoor theatres, and water parks are included in this designation, but should be designed to be compatible with neighboring development. Tourist Resort Commercial facilities are most appropriate in the Palm Canyon Drive and Tahquitz Canyon Drive corridors. It is intended that the primary use in any Tourist Resort Commercial area shall be hotel/tourist-related uses; if residential uses are proposed within the Tourist Commercial Designation (timeshares, condominiums, etc.) they shall be a secondary use ancillary to the proposed hotel uses and shall not exceed a maximum of 30 dwelling units per acre. Permanent residential uses and commercial activities are allowed subject to approval of a planned development district.*

The proposed project includes a mix of commercial and residential uses under a planned development district application. The commercial component will be located along Tahquitz Canyon Way, and the residential component will be set back approximately 300 feet from Tahquitz Canyon Way. It should be noted, however, that the proposed residential use does not implement the General Plan in terms of supporting and strengthening the City's efforts to encourage large-scale private hotel development on the few remaining large lots in close (walkable) proximity to the convention center. Approval of an assisted living facility at this location removes five acres from possible future development for tourist-hotel-entertainment-convention center-related uses.

Additionally, it should be noted that the Fire Department has indicated that this type of use (assisted living facilities) in the City has an average of 100 calls for emergency medical service annually. Thus, more than usual siren noise would impact the tourist and convention center uses in the surrounding area.



The General Plan limits commercial development to a 0.35 floor area ratio (FAR) and residential development to 30 dwelling units per acre. The following table summarizes the project's conformance to these requirements:

Proposed Parcel (TPM 35989)	FAR		Density	
	Maximum	Proposed	Maximum	Proposed
1 (Assisted Living)	N/A		30 d.u. / ac.	26 d.u. / ac.
2 (Comm. Bldg. 3)	0.35	0.11	N/A	
3 (Comm. Bldg. 1 & 2)	0.35	0.23	N/A	

The project conforms to the General Plan's FAR and Land Use Density requirements.

*Section 14 Specific Plan*

The Section 14 Specific Plan Land Use classification for the subject site is "REO" (Specialty Retail, Entertainment Office). Permitted uses in the REO land use classifications are outlined in Section 6.1.1, of the Section 14 Specific Plan. While multi-family residential is permitted with the approval of a Conditional Use Permit, Assisted Living Facilities are not listed as a permitted use in this land use classification. Thus, with the PDD amendment, the applicant is seeking approval to add assisted living facilities to the list of permitted uses within the PDD.

Commercial uses are permitted within the REO classification, including the proposed office, retail and restaurant uses. All future restaurant uses and outdoor dining will require the approval of a Land Use Permit pursuant to the Specific Plan requirements.

*Planned Development District in lieu of Change of Zone:*

Pursuant to Section 94.03.00 (Planned Development District) and Section 94.07.00 (Zoning Map Amendment / Change of Zone) of the Zoning Code, *the Planned Development District is designed to provide various types of land use that can be combined in compatible relationship with each other as part of a totally planned development. It further states, "It is the intent of this district to insure compliance with the general plan and good zoning practices while allowing certain desirable departures from the strict provisions of specific zone classifications."*

The applicant is requesting approval to amend the PDD to a PDD in lieu of a Change of Zone. Required findings are outlined later in this staff report. The PDD is also seeking to deviate from the Specific Plan and Zoning Code development standards as follows:

1. Establish Assisted Living Facilities as a permitted use in the PDD.
2. Off-street parking screen wall from Tahquitz Canyon Way not provided.
3. Setback to accessory structures (carports) from street side yard (Hermosa Drive) and rear property line is ten feet; required setback is twenty feet for both cases.
4. Landscape treatment and sidewalk along Tahquitz Canyon Way not consistent all Specific Plan requirements.

The table below compares the proposed project against the development standards of the Specific Plan and the Zoning Code.

Comparison of Required and Proposed Development Standards		
	REO Zone	Proposed PDD-341
Density (pursuant Section 14 Specific Plan Section 6.2.1)	Commercial: 0.38 FAR Residential: Min. of 1,500 s.f. of lot area for each residential unit	Commercial: 0.16 FAR (conforms) Residential: 132 dwelling units on 5.08 net acres = 1,674 sq. ft. per dwelling (conforms)
Height (per 6.2.3)	30 feet	22-30 feet (conforms)
Compatibility with surrounding development (6.2.6)	Rear and side walls of bldgs. shall be treated with equivalent design quality as the frontage	Articulation is provided to all sides of the buildings (conforms)
Primary Frontage (per 6.2.7)	Tahquitz shall be the primary frontage	Focal entry and access to the project is from Tahquitz Canyon Way (conforms)
Ground Floor Treatment (per 6.2.8)	75% of the first floor primary frontage shall be pedestrian entrances, display windows and other features that provide visual interest	Pedestrian access is provided near entry driveways and at the street corner. Display windows and landscape provide additional visual interest (conforms)
Pedestrian Access (per 6.2.9)	Direct access from the bldg. to Tahquitz	Pedestrian linkage to site and internally is provided throughout (conforms)
Building Location (per 6.2.10)	Locate bldgs. as close to the front setback as possible	The bldg. is setback 22 to 30 feet from the front property line (conforms)
Front yard setback (per 6.2.11)	20 feet	29 feet, 10 inches (conforms)
Features Required in the front setback (per 6.2.11.1) See also Section 5.2.1 for Tahquitz Canyon Way frontage features	<ul style="list-style-type: none"> <li>- Minimum 2 feet decorative paving as an extension of the public sidewalk; w/border on the property side</li> <li>- Adjacent to border on property side, boulders, desert landscaping or space for public art</li> <li>- Tribal cultural interpretative features</li> </ul>	Missing two feet of flagstone decorative paving adjacent entire sidewalk along Tahquitz Canyon Way. Missing distinctive benches and other street furniture. <b>(does not conform)</b>
Side and rear yard setbacks (per 6.2.12)	20 feet	Buildings are 20 to 71 feet from Hermosa property line; 76 feet from rear property line; and 55 feet from interior side property line (conforms) Carports are proposed approximately 10 feet from rear and street side yard property lines <b>(does not conform)</b>
Rear yard setbacks (per 6.2.13)	20 feet	62 feet (conforms)
Landscaped Open Space (per 6.2.14)	30%	44% (conforms)
Minimum Lot Area (per 6.2.15)	Two gross acres	Lot 1: 5.31 gross acres (conforms) Lot 2: 2.31 gross acres (conforms) Lot 3: 2.31 gross acres (conforms)
Signage (per 6.2.16)	Per PSZO	No signage proposed as part of this application (separate application is anticipated for monument and bldg. signs)
Exterior Lighting (per 6.2.17)	Indirect or shielded; comply with PSZO	Site Lighting will be conditioned to conform.

Comparison of Required and Proposed Development Standards (continued)		
	REO and RA zones	Proposed PDD-341
Off-street Parking (per 6.2.18)	No parking fronting Tahquitz Canyon Way; design to be consistent with PSZO. - Assisted Living Facilities: 1 space per 2 beds or 1/1,000 s.f. of bldg area; plus 1 space per 3 staff. - Commercial: 1 space per 325 s.f. of floor area (including restaurant uses up to 25% of floor area; additional restaurant space may require additional parking)	Parking is set back roughly 60 feet from Tahquitz. Parking along Hermosa to be screened by four foot high block wall; (conforms) Assisted Living: 161 spaces required. Commercial: 80 spaces (if restaurant space totaled 6,530 s.f. between all 3 bldgs.) Total Provided: 379 spaces. (conforms)
Service Areas (per 6.2.19)	Access to service shall not be provided from Tahquitz Canyon Way	Access can be taken from Hermosa (conforms)
Loading and Trash (per 6.2.20)	Consistent with PSZO	Trash enclosure and loading docks provided (conforms)

**Section 14 Streetscape Guidelines**

Section 5.2.1 of the Specific Plan has streetscape guidelines for Tahquitz Canyon Way that include street trees, landscaping, custom street light fixtures, and decorative sidewalk pavers with an "Indian Culture and Art Walk" that would be developed from Sunrise to Indian Canyon Drive. The proposed project design currently does not include all of these features. A condition of approval has been included requiring the project to integrate these features into the street-front design.

**Off-Street Parking**

Parking for the overall 10-acre complex is predominately proposed within the center of the southerly half. Covered parking via carports is proposed on the northerly and easterly sides of the assisted living facility (within the security fence area). A total of 379 parking stalls are proposed.

**Assisted Living Parking:** Pursuant to the Palm Springs Zoning Code (PSZC), Assisted Living Facilities require one off-street parking space for every two beds or one space per 1,000 square foot of facility (whichever is greater), plus one space for every three employees. The project proposes a mix of units with a total of 154 bedrooms and is 145,000 gross square feet. One hundred forty five (145) spaces are required for residents given the square footage of the facility. There are typically 48 staff persons estimated at a typical shift, requiring another 16 spaces for staff for a total of 161 spaces.

**Commercial Building Parking:** Section 6.2.18 (Off-Street Parking), of the Section 14 Master Plan states..."Mixed-use developments exceeding 20,000 square feet shall provide 1 space for each 325 square feet of gross floor area. Additional parking need not be provided for restaurants, provided that no more than 25% of the total floor area of the whole complex is devoted to restaurant use". A total of 80 parking spaces would be

required for the commercial building area, if restaurant space is limited to 6,530 square feet.

In this proposal, the restaurant space is shown to range from 16,215 to 21,425 square feet of the overall 26,120-square foot commercial floor space (or approximately 62% to 83% of the total commercial floor area). Therefore, additional parking is required for the excess restaurant space over 25%, unless the Planning Commission determines otherwise<sup>1</sup>. Pursuant to Section 93.06.00(D)(30) of the Zoning code, one space per 35 square feet of floor area where the public is served or one space per three seats is required for restaurant uses. Since there are a total of 138 parking spaces in excess of the above requirements, staff recommends that the total commercial space devoted to restaurant uses be limited to a square footage of 11,360 square feet. This allows the 25% allotment and an additional 4,830 square feet ( $4,830 / 35$  square feet of floor area = 138 spaces). Should the applicant wish to allow additional restaurant space in the future, approval from the Planning Commission would be required pursuant to Section 93.06.00(D)(19) of the Zoning Code.

*Parking Lot Shading:* The project proposes to shade 120 parking spaces via carports on the northerly and easterly side of the assisted living facility. In addition, shade trees are proposed throughout the remainder of the parking areas and will provide shade for about 96 parking spaces. Thus, 216 parking spaces (approximately 57%) will be provided with shade, which conforms to the Zoning Code requirement of at least 50% shading.

#### *Off-street Loading and Trash*

There are two designated loading spaces – one at the rear of the assisted living facility and one adjacent to Retail Building 3. Trash and recycling enclosures are proposed to be accommodated in three areas on the site.

#### *Access*

Access into the site will be provided from four main points for vehicular access; pedestrian linkage into the site is provided at the southeast corner of the site, at Tahquitz Canyon Way and Hermosa Drive. Two points of access to the complex are proposed along Tahquitz Canyon Way, where left in, right-in and right-out turns will be permitted. A median break is proposed for Tahquitz Canyon, but no left turns out of the site will be allowed. Two additional points of entry to the site are proposed along the northerly and southerly portions of Hermosa Drive. Access to the loading dock areas will be provided from the entrance on the southern side of Hermosa and the westerly entrance along Tahquitz Canyon Way.

#### *Landscaping*

The landscape scheme proposes a variety of desert appropriate plant species. Street trees along Tahquitz Canyon Way are proposed as a series of Palo Verde shade trees

<sup>1</sup> Pursuant to Section 93.06.00(D)(19) of the Zoning Code, the Planning Commission may increase the percentage of floor area devoted to restaurant uses, "where it finds that the nature of the use will not require increased parking, that other adequate arrangements exist to satisfy the parking demand or that other similar factors exist."

and Mexican Fan palm trees<sup>2</sup>. Date Palms are proposed along the main north-south "entry drive" leading to the assisted living facility's drop off area. Palo Verde, Tipu and Southern Live Oak (or Carob Tree, alternatively) species are proposed for shade in the parking lot areas. Some perimeter trees include Afghanistan Pines and Shoestring Acacias. The landscape plan will be conditioned to conform to the State's Water Efficient Landscape Ordinance.

#### *AAC Review*

The Architectural Advisory Committee (AAC) reviewed and endorsed the proposed the proposed amendment, subject to the following:

1. Consider incorporating dog park into assisted living facility amenities;
2. AAC to review final plans with additional details, dimensions, etc.;
3. East elevation to be enhanced;
4. Revise the parking layout to comply with City standards;
5. Provide additional parking lot shading;
6. Retail along Tahquitz Canyon Way to be more pedestrian-oriented;
7. Ensure landscaping is pet friendly;
8. Remove fence around unit courtyards from plans since no longer proposed;
9. Provide better pedestrian access between assisted living facility and commercial buildings.

In response to the above, the applicant has:

- Included a small dog park area in the parking area near the assisted living facility's main entry.
- Installed additional pop-outs and aluminum shading devices on the east elevation;
- Revised the parking layout to comply with City standards;
- Provided additional parking lot shading;
- Removed the fence around courtyards and provided access to the pedestrian and parking areas around the assisted living facility;

Detailed architectural drawings that will include site plans, elevations, floor plans, roof plans, grading plans, landscaping and irrigation plans will be presented to the AAC for review upon submittal of final development plans. The final PD plans for the project will be presented to the Planning Commission for review and approval at a later date.

#### *Resort Combining Zone*

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

*"all multiple-family dwellings (including, but not limited to, apartments, group housing projects, boarding and lodging houses, and condominiums) shall be permitted only by conditional use permit. Such permit is subject*

<sup>2</sup> Pursuant the 2007 General Plan, for street trees, Mexican Fan Palms are to be phased out in favor of California Fan Palms.

*to the planning commission making findings that the proposed use is compatible with its surroundings and that the site in question is not appropriate for other uses allowed by right within the underlying zone.”*

The Resort overlay is intended to provide for accommodations and services for visitors to the city while guarding against the intrusion of competing land uses. The Resort Overlay finding is analyzed below.

#### *Tentative Parcel Map*

The proposed Tentative Parcel Map divides the site into three lots. The design of the Parcel Map is consistent with the design of the site for the project. Each of the three parcels conforms to the two gross acre minimum required by the Section 14 Specific Plan. Staff has reviewed the proposed Parcel Map in light of the required findings and prepared recommended conditions contained in the attached draft resolution.

#### *Public Benefit associated with Planned Development Districts*

The City Council adopted the policy, “Planned Development Districts and Public Benefits” on September 17, 2008. Consequently, the Commission will review the PDD with regard to the public benefit that would be derived from the granting of relief from the development standards requested therein.

One of the primary factors in the public benefits policy is “proportionality”, which is stated, as follows:

*The public benefit shall be proportional to the nature, type and extent of the flexibility granted from the standards and provisions of the Palm Springs Zoning Code.*

As noted above, the project is seeking relief from the following development standards of the Specific Plan and Zoning Code:

1. Establish Assisted Living Facilities as a permitted use in the PDD.
2. Off-street parking screen wall from Tahquitz Canyon Way not provided.
3. Setback to accessory structures (carports) from street side yard (Hermosa Drive) and rear property line is ten feet when required setback is twenty feet for both cases.
4. Landscape treatment and sidewalk along Tahquitz Canyon Way not consistent all Specific Plan requirements.

In considering the proportionality of the requested relief from the development standards against the public benefit created by those deviations, staff believes that the requested deviations are not significant in terms of the magnitude of relief sought from the Specific Plan requirements and standards. As noted in the attached policy, among the approved set of options the Commission may consider are:

- The project as Public Benefit
- Sustainability features.

- Off-site Improvements (Any other public improvements off the project site.)
- Other.

The applicant has proposed that the project itself will provide a significant public benefit, through the creation of additional sales tax and both temporary construction jobs and permanent jobs. Also, the project provides housing for a specific segment of the community that is growing as an overall percentage of the population. The facility will provide specialized services for residents confronted with Alzheimer's, Vascular Dementia, Parkinson's and other related diseases by the creation of forty (40) Memory Care designated units with around the clock nursing staff specially trained in these conditions.

Staff will incorporate the Commissions' recommendations to the City Council on Public Benefit into the proposed draft resolution of approval.

### **REQUIRED FINDINGS**

#### *Planned Development District Findings*

Findings for a Planned Development District in lieu of a Change of Zone are found in Zoning Code Section 94.07.00 (Change of Zone). The proposed project is evaluated against the findings as follows:

- a. The proposed planned development is consistent and in conformity with the general plan map and report.*

The project is located within the Tourist Resort Commercial land use designation of the General Plan. Commercial and entertainment uses are encouraged and will be a part of the PDD. Permanent residential uses such as an assisted living facility may be approved in this land use area with a PDD according to the General Plan. However, due to the close proximity to the City's convention center, the project does not implement the General Plan's encouragement of building large scale hotels in areas surrounding the convention center. With approval of the PDD amendment the project and the use could be found to be consistent.

- b. The subject property is suitable for the uses permitted in the proposed planned development district, in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations.*

The mixed use project contains an assisted living facility and commercial buildings separated by parking areas. The roughly 10-acre site has a total of four access points from two streets.

The General Plan limits commercial development to a 0.35 floor area ratio (FAR) and residential development to 30 dwelling units per acre. The Section 14 Specific Plan limits commercial development to a 0.38 FAR and requires a minimum of 1,500 square feet of lot area per dwelling unit.

The following table summarizes the project's conformance to these requirements:

Proposed Parcel (TPM 35989)	FAR		Density	
	Maximum Gen. Plan and Spec. Plan	Proposed	Maximum Gen. Plan and Spec. Plan	Proposed
1 (Assisted Lvng.)	N/A		30 d.u. / ac. and 1,500 sq. ft. of lot area per unit	26 d.u. / ac. and 1,674 sq. ft. of lot area per unit
2 (Comm. Bldg. 3)	0.35 and 0.38	0.11	N/A	
3 (Comm. Bldg. 1 & 2)	0.35 and 0.38	0.23	N/A	

The subject site conforms to the density and FAR requirements of the General Plan and Section 14 Specific Plan.

- c. *The proposed establishment of the planned development district is necessary and proper, and is not likely to be detrimental to adjacent property or residents.*

The Planned Development District in lieu of a Change of Zone and the introduction of an assisted living facility may not be necessary and proper for the development of the area around the City's Convention Center. Introducing the relatively quiet environment of a residential assisted living facility into a district zoned for specialty retail, entertainment and convention center-based activity, may be detrimental and incompatible to future development and "by right" uses adjacent to this site. Approval of the PDD would allow a finding of consistency with this requirement. It is a "close call" to conclude that the proposed project and residential use is supportive or complementary to adjacent uses, including the Convention Center and tourist-related activities found in this part of the City.

*Findings for the Tentative Parcel Map*

Additional findings are required for the proposed Tentative Map pursuant to Section 66474 of the Subdivision Map Act. These findings and a discussion of the project as it relates to these findings follow:

- a. *The proposed Tentative Tract Map is consistent with all applicable general and specific plans.*

The subdivision is consistent with the Specific Plan as all three parcels exceed the minimum of two gross acres.

- b. *The design and improvements of the proposed Tentative Tract Map are consistent with the zone in which the property is located.*



The design and improvements in adjacent right-of-ways will be adequate to serve the 10-acre site. Hermosa will be improved with additional roadway, curb, gutter and sidewalk. Tahquitz Canyon Way will be enhanced with a sidewalk and additional design elements consistent with Section 14 Specific Plan.

c. *The site is physically suited for this type of development.*

The site is flat and surrounded by existing City streets and all municipal services and utilities. The site is physically suitable for this type of development.

d. *The site is physically suited for the proposed density of development.*

The 10-acre site can accommodate residential uses and commercial uses. The overall density and FAR of the project is within the Section 14 Master Plan density limits for the REO land use designation for the project site. The site will be physically suited for the proposed density of residential and commercial for each parcel.

e. *The design of the subdivision is not likely to cause environmental damage or substantially and avoidably injure fish, wildlife, or their habitats.*

The Tentative Parcel Map has been reviewed under the California Environmental Quality Act, and a Mitigated Negative Declaration is proposed. Mitigation measures have been included which reduce potential impacts to less than significant levels.

f. *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

With the approval of the PDD amendment, the subdivision meets or exceeds City standards. All structures on the site will be required to meet or exceed City building codes. The project will not cause public health problems.

g. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision.*

There are no known public easements or access across the subject property, therefore the design of the subdivision will not conflict with easements for access through or use of the property. Any utility easements should be able to be accommodated within the project design.

#### *Findings for the Resort Combining Zone*

The project is located within the Resort-Combining overlay zone. Section 92.25.00 of the Zoning Code states that:

*"...the planning commission (shall) make findings that the proposed use is compatible with its surroundings and that the site in question is not*

*appropriate for other uses allowed by right within the underlying zone.”*

The project is located in an area of the City designated for tourist-related uses such as large scale hotels, retail, commercial and entertainment uses. The proposed site is in close proximity to the City’s Convention Center and fronts Tahquitz Canyon Way, which is the primary route connecting tourists from the Palm Springs International Airport with the Downtown and Central Business District. The commercial serving buildings will be located along this major thoroughfare with the residential component setback.

Currently much of the surrounding land is vacant. The project design could be deemed to be compatible with its surroundings since there is no unifying theme or architectural style to the existing buildings near the site.

### **COMMENT ON RECOMMENDATION**

Staff notes that the proposed project is a “close call” as the proposed assisted living facility use may not be proper for the development area around the City’s Convention Center. It would eliminate approximately five acres of developable raw land for tourist-related activities envisioned in this area of the City.

### **ENVIRONMENTAL ASSESSMENT**

The Planning Department has reviewed this project under the provisions of the California Environmental Quality Act (CEQA), and determined that the project had the potential for significant impacts, but that the impacts would not be significant in this case because project modifications or mitigation measures incorporated into the Initial Study reduce impacts to less than significant levels. A Mitigated Negative Declaration has been prepared, and previously distributed to the Planning Commission.

During public comment, the Fire Department expressed concern with the provision of adequate service in the downtown area, and the long term preservation of the City’s fire insurance rating. The Fire Chief suggests three mitigation measures for the project. However, the mitigation measures as proposed do not represent a “fair share” assessment of responsibility to the proposed project. That is to say that a number of projects and proposed projects in the downtown area will contribute to the Fire Department’s needs for additional equipment, personnel, and facilities – not just the proposed project.

The proposed project has been conditioned to require that it participate in a public safety CFD or other funding mechanism, should such a program be implemented by the City. The addition of this condition of approval is equivalent to a mitigation measure, and assures that the proposed project will mitigate, on a “fair share” basis, its impact on the City’s Fire Department. The inclusion of this condition of approval does not significantly change the analysis in the Initial Study for this project, and does not as a result, require the recirculation of the Initial Study.


The applicant has also submitted a revised traffic study dated August 17, 2012 which identifies that traffic impacts for the amended PDD are less than those of the previous project scope and thus does not require recirculation of the initial study. This study revised the mitigation measures on traffic impacts. The applicant has agreed in writing to the revised mitigation measures.

**NOTIFICATION**

A public hearing notice was advertised and was mailed to all property owners within 400 feet of the subject property/adjacent property owners. As of the writing of this report, staff has not received any comment.

The City was notified that because this is a major project within Section 14, the Indian Planning Commission (IPC) will review the project and make a recommendation to the Tribal Council after the public hearing with the City's Planning Commission. The Tribal Council will submit its comments on the project to the City prior to the City Council's hearing of the project.

  
\_\_\_\_\_  
David A. Newell  
Associate Planner

  
\_\_\_\_\_  
Craig A. Ewing, AICP  
Director of Planning Services

**ATTACHMENTS:**

1. Vicinity Map
2. Draft Resolution
3. Conditions of Approval
4. Draft Ordinance for City Council for PDD in lieu of Change of Zone
5. City Council policy on Public Benefits for Planned Development Districts
6. Site Plans, Floor Plans, Elevations, Landscaping and Architectural Massing & Amended Tentative Parcel Map 35989

**CITY OF PALM SPRINGS  
PUBLIC HEARING NOTIFICATION**



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City Council  
Meeting Date: November 7, 2012  
Subject: Convention Center Commons  
Northwest Corner of Tahquitz Canyon Way and Hermosa Drive

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**AFFIDAVIT OF MAILING**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on October 25, 2012, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (111 notices)

KHart  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF PUBLICATION**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on October 27, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

KHart  
Kathie Hart, CMC  
Chief Deputy City Clerk

**AFFIDAVIT OF POSTING**

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk and on October 25, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

KHart  
Kathie Hart, CMC  
Chief Deputy City Clerk



# City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: www.palmspringsca.gov

October 25, 2012

Ms. Claudia Salgado  
 Bureau of Indian Affairs  
 P. O. Box 2245  
 Palm Springs, CA 92263

Fax To: Belinda Ray  
 (760) 416-2687

RE: City Council Meeting – November 7, 2012  
 Public Hearing Notice – Northwest Corner of Tahquitz Canyon Way & Hermosa Drive

Dear Ms. Salgado:

The City Council will be conducting a public hearing at 6:00 p.m. on November 7, 2012, to consider an amendment to a previously approved Planned Development District known as “Convention Center Commons” located at the northwest corner of Tahquitz Canyon Way and Hermosa Drive in Section 14. The amendment includes the addition of assisted living facilities as a permitted use in the PDD, deviations in the underlying development standards for the zone, and an amendment to the previously approved Tentative Parcel Map, reducing the map from a four-parcel map to a three-parcel map. The 10-acre project is proposed to be a 132-unit assisted living facility (2-stories in height and approximately 145,000 square feet in size) and three commercial buildings (2 to 3 stories in height and approximately 26,120 square feet as previously approved).

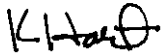
I have enclosed copies of the notice for distribution and your file; however, please advise if additional notices are required. The allotment numbers and corresponding APN within 400 feet of the subject property are as follows:

APN	Allotment Number	APN	Allotment Number
508-070-034	75B, 76B	508-560-005 – 508-560-006	99B
508-070-038 – 508-070-039	71B, 1BA, 1B	508-560-010	99B
508-070-048	1BA, 1B	508-560-013	99B
508-070-020	88B, 80B	508-100-019	T62B
508-071-041	95B, 97B	508-100-033 – 508-100-034	T98B, T1015
508-071-051	95B	508-071-048 – 508-071-049	95B
508-560-014 thru 508-560-017	99B	508-071-056 – 508-071-057	95B
508-070-050	1B	508-071-046	95B
508-560-023 – 508-560-024	99B	508-560-018 thru 508-560-020	99B
508-071-044 – 508-071-045	95B	508-071-052	95B
508-071-054 – 508-071-055	95B	508-560-021 – 508-560-022	99B
508-071-050	95B	508-560-025	99B

APN	Allotment Number	APN	Allotment Number
508-071-065 - 508-071-066	95B	508-071-058	95B
508-071-087	95B, 97B	508-560-004	99B
508-100-040	T1027	508-560-007 thru 508-560-009	99B
508-560-001	99B	508-560-011 – 508-560-012	99B
508-100-038	T1027	508-071-053	95B

Thank you for your continuous assistance and support. Please feel free to contact me if there are any questions or concerns, 323-8206.

Sincerely,



Kathie Hart, CMC  
Chief Deputy City Clerk

/kdh

Encl: Public Hearing Notices (15 copies)  
Envelopes (10 pre-stamped)

NOTICE OF PUBLIC HEARING  
CITY COUNCIL  
CITY OF PALM SPRINGS

CASES: 5.1160 PDD 341 AMND B AND TPM 35989 AMND  
AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT (PDD 341)  
AND A TENTATIVE PARCEL MAP  
LOCATED AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY & HERMOSA DRIVE

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of November 7, 2012. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an amendment to a previously approved Planned Development District known as "Convention Center Commons" located at the northwest corner of Tahquitz Canyon Way and Hermosa Drive in Section 14. The amendment includes the addition of assisted living facilities as a permitted use in the PDD, deviations in the underlying development standards for the zone, and an amendment to the previously approved Tentative Parcel Map, reducing the map from a four-parcel map to a three-parcel map. The 10-acre project is proposed to be a 132-unit assisted living facility (2-stories in height and approximately 145,000 square feet in size) and three commercial buildings (2 to 3 stories in height and approximately 26,120 square feet as previously approved).

**ENVIRONMENTAL DETERMINATION:** A Mitigated Negative Declaration was adopted for this project under the guidelines of the California Environmental Quality Act (CEQA) on its original PDD approval. No new information or impacts would occur that would change or add to the evaluation of environmental impacts caused by the proposed project, thus no further environmental analysis is required.

**REVIEW OF PROJECT INFORMATION:** The staff report and other supporting documents regarding this project are available for public review at City Hall between the hours of 8:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

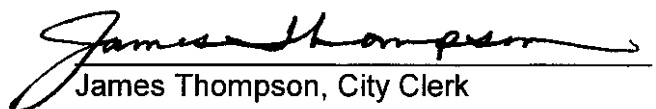
**COMMENT ON THIS APPLICATION:** Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk,  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009[b][2]).

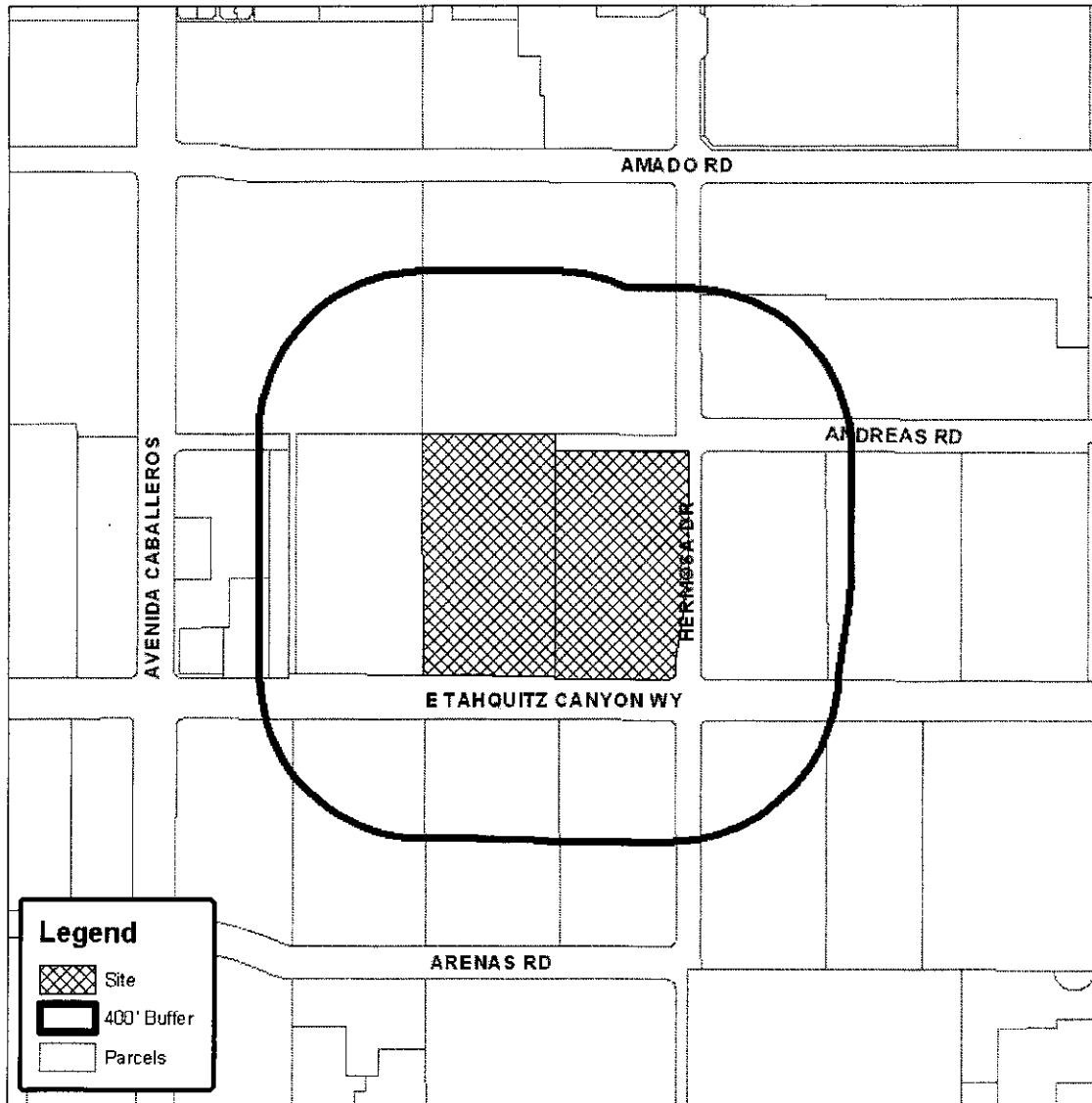
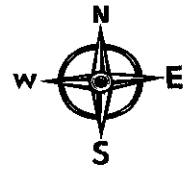
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.




  
James Thompson, City Clerk



# Department of Planning Services Vicinity Map



**Legend**

-  Site
-  400' Buffer
-  Parcels

## CITY OF PALM SPRINGS

**CASE NO:** 5.1160 PDD 341  
AMND B / TPM  
35989 AMND B

**APPLICANT:** Nexus Development  
(O & M Tahquitz, LLC)

**DESCRIPTION:** An amendment to a previously approved PDD and TPM application adding assisted living facilities to the permitted uses within the PDD, changing the Parcel Map from a 4 lot map to a 3 lot map, and seeking relief from certain development standards for a 9.9 acre project located at the northwest corner of Tahquitz Canyon Way and Hermosa Drive in Section 14 (IL), Zone RA.